

CHATHAM PLANNING BOARD
ZONING REVIEW SUBCOMMITTEE

DRAFT

PROTECTIVE ZONING BYLAW

Submitted to:
Chatham Planning Board
Department of Community Development
July 3, 2006

Prepared by:
Connery Associates
Community Opportunities Group, Inc.

TABLE OF CONTENTS

1. GENERAL PROVISIONS	1-1
A. AUTHORITY	1-1
B. PURPOSES AND INTENT	1-1
C. APPLICABILITY	1-2
D. ZONING DISTRICTS	1-2
E. ZONING MAP	1-3
2. BASIC REQUIREMENTS FOR ALL DISTRICTS	2-1
A. USE REGULATIONS; GENERAL	2-1
B. EXEMPT USES	2-1
C. MUNICIPAL USES	2-1
D. NON-CONFORMING USES, STRUCTURES AND LOTS	2-2
E. ACCESSORY USES	2-5
F. LOTS IN TWO TOWNS	2-7
3. USE REGULATIONS	3-1
A. RESIDENTIAL DISTRICTS (R60, R40, R40A, R30, R20)	3-1
B. RESIDENTIAL 20A (APARTMENT)	3-1
C. RESERVED	3-2
D. RESIDENCE SEASHORE CONSERVANCY DISTRICT	3-2
E. SOUTH CHATHAM NEIGHBORHOOD CENTER	3-4
F. NORTH CHATHAM NEIGHBORHOOD CENTER	3-5
G. WEST CHATHAM NEIGHBORHOOD CENTER	3-7
H. CROWELL ROAD NEIGHBORHOOD CENTER	3-8
I. GENERAL BUSINESS DISTRICT 1 AND 2	3-10
J. DOWNTOWN BUSINESS DISTRICT	3-12
K. INDUSTRIAL DISTRICT	3-13
L. MUNICIPAL DISTRICT	3-15
M. OPEN SPACE DISTRICT	3-15
N. SPECIAL REGULATIONS FOR RESIDENTIAL USES	3-15
O. SPECIAL REGULATIONS FOR RESIDENTIAL ACCESSORY USES	3-20
P. SPECIAL REGULATIONS FOR COMMERCIAL, INDUSTRIAL AND ASSOCIATED ACCESSORY USES	3-24
Q. SPECIAL REGULATIONS FOR OTHER USES	3-24
4. DIMENSIONAL AND DENSITY REGULATIONS	4-1
A. GENERAL REQUIREMENTS	4-1
B. SPECIFIC REQUIREMENTS	4-1
C. TABLE OF DIMENSIONAL AND DENSITY REQUIREMENTS	4-3
5. OVERLAY DISTRICTS	5-1
A. CONSERVANCY DISTRICTS	5-1
B. FLOOD PLAIN DISTRICT	5-8
C. WATER RESOURCE PROTECTION DISTRICT	5-9
6. DEVELOPMENT REGULATIONS	6-1
A. LAND CLEARING AND GRADING	6-1
B. SITE PLAN REVIEW	6-9

C.	ABBREVIATED SITE PLAN REVIEW	6-19
D.	OFF-STREET PARKING AND LOADING REGULATIONS	6-22
E.	OPEN SPACE RESIDENTIAL DEVELOPMENT	6-32
F.	INCLUSIONARY HOUSING.....	6-39
G.	SIGNS	6-42
7.	ADMINISTRATION	7-1
A.	ENFORCEMENT.....	7-1
B.	BUILDING PERMIT PROCEDURES	7-1
C.	SPECIAL PERMIT PROCEDURES.....	7-2
D.	ZONING BOARD OF APPEALS.....	7-3
E.	USE VARIANCES PROHIBITED.....	7-4
F.	PENALTY.....	7-4
G.	NON-INTERFERENCE	7-4
H.	SEVERABILITY	7-4
I.	AMENDMENT	7-4
8.	DEFINITIONS.....	8-1

1. GENERAL PROVISIONS

A. AUTHORITY

This Protective Zoning Bylaw is adopted pursuant to M.G.L. c.40A, as amended, and shall be known and may be cited as the Zoning Bylaw of the Town of Chatham, Massachusetts.

B. PURPOSES AND INTENT

The purpose of this Bylaw is to manage growth and development in the Town of Chatham so as to encourage the appropriate use of land, considering the goals and policies of the Chatham Comprehensive Plan adopted by the Planning Board and approved by Town Meeting in May 2003, and to encourage those qualities which distinguish Chatham as a desirable community for year-round and seasonal residence, commerce, tourism and recreation including:

- 1 Health, welfare and quality of life;
- 2 Safety from fire, flood and other dangers;
- 3 Provision of adequate light, clean air, adequate public and private water supply, effective sewage and solid waste disposal, transportation and parking, schools, parks and open space, public access to waterways, and other public service requirements;
- 4 Provision of housing for persons of all income levels;
- 5 Prevention of overcrowding of land, undue concentration of population, traffic congestion, blight and pollution of the environment;
- 6 Preservation of the value of land and buildings;
- 7 Protection of natural resources, particularly beaches, dunes, wetlands, fresh and saltwater ponds, inlets, harbors and bays;
- 8 Preservation for the citizens of their rights to their customary means of earning a living;
- 9 Preservation for present and future inhabitants of Chatham of the natural, architectural and historic assets of the community.

In accordance with these purposes, the use, erection, establishment, movement, repair, alteration, enlargement, height, appearance, location and occupancy of buildings and structures, and the uses and occupancy of premises in the Town of Chatham are hereby regulated and restricted as hereinafter provided.

C. APPLICABILITY

All buildings or structures hereafter erected, altered, reconstructed, demolished, enlarged or moved, or use of land or premises in the Town shall be in conformity with the provisions of this Bylaw.

D. ZONING DISTRICTS

The Town is hereby divided into the following zoning districts as shown on the Town of Chatham Zoning Map:

- 1 Residential: R20, R30, R40, R40A, R60
- 2 Residential-Apartment: R20A
- 3 Residence-Seashore Conservancy: RC3
- 4 South Chatham Neighborhood Center: SCN
- 5 North Chatham Neighborhood Center: NCN
- 6 West Chatham Neighborhood Center: WCN
- 7 Crowell Road Neighborhood Center : CRN
- 8 General Business 1: GB1
- 9 General Business 2: GB2
- 10 Downtown Business District: DB
- 11 Industrial: I
- 12 Municipal: M
- 13 Open Space District: OS

In addition, the following overlay districts are hereby established:

- 14 Conservancy: C
- 15 Flood Plain: FP
- 16 Water Resources Protection: WP
- 17 Airport Hazard Area (AH)

The locations and definitions of the overlay districts are set forth in Section 5 of this Bylaw.

E. ZONING MAP

The location and boundaries of the zoning districts are hereby established as shown on a map entitled, "Town of Chatham Zoning Map," dated November 2006, as amended, on file with the Town Clerk. The Zoning Map and all explanatory legend and memoranda thereon or attached thereto are hereby declared to be a part of this Bylaw. Any change in the location of boundaries of a zoning district hereafter made through the amendments of this Bylaw shall be indicated by the alteration of such Map, and the Map, thus altered, is declared to be a part of the Bylaw thus amended.

2. BASIC REQUIREMENTS FOR ALL DISTRICTS

A. USE REGULATIONS; GENERAL

- 1 No building or other structure shall be erected and no building, structure, or land or water area shall be used for any purpose or in any manner other than as regulated and permitted in this Bylaw.
- 2 A building, use or structure not specifically permitted shall be deemed prohibited, except that the Zoning Board of Appeals may, upon application for a Special Permit, determine whether a use not specifically listed as a permitted use in any district should be authorized. Also see Section 7D2c.
- 3 In any district, no use will be permitted which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, biohazardous, hazardous or toxic materials, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Town, as determined by the Zoning Officer.

B. EXEMPT USES

The following uses are exempt under M.G.L. c.40A, Section 3 and shall be permitted as of right in all districts, whether or not specifically listed as permitted uses in Section III of this Bylaw:

- 1 Agriculture as defined in M.G.L. c.128, Section 1A, on more than five acres of land, including a farm stand.
- 2 The construction or use of an antenna structure by a federally licensed amateur radio operator.
- 3 Subject to Site Plan Review under Section 6(B):
 - a. Use of land or structures for religious purposes.
 - b. Use of land or structures for public or non-profit private educational purposes.
 - c. Child care or day care facility as defined in M.G.L. c.28A, Section 9.
 - d. The installation of solar energy systems or the building of structures that facilitate the collection of solar energy.

C. MUNICIPAL USES

Municipal uses are allowed in any zoning district when authorized by a two-thirds vote of Town Meeting. Any building or structure for an approved municipal use shall, as closely as possible,

meet all applicable dimensional, density, parking and design requirements of this Bylaw; and further, all such development shall be subject to Site Plan Review.

D. NON-CONFORMING USES, STRUCTURES AND LOTS

1. Purposes.

The provisions of this Section are intended to achieve the following objectives consistent with M.G.L. c.40A, Section 6:

- a. To reduce or minimize existing adverse impacts on neighboring properties or on natural resources.
- b. To promote or maintain compatibility with neighboring properties and natural resources.
- c. To avoid the creation of adverse impacts on neighboring properties or on natural resources.

2. Applicability.

The Chatham Protective Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or Special Permit issued before the first publication of notice of the public hearing required by M G. L c. 40A, Section 5, at which this zoning bylaw, or any relevant part thereof, was originally adopted. Such prior, lawfully existing non-conforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

3. Exemptions.

- a. Non-Conforming Single-Family and Two-Family Residential Structures. Nonconforming single-family and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon determination by the Building Inspector that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure or create any new non conformity.

In the event that it is determined that the nonconforming nature of such a structure would be increased or a new non conformity would be created by the proposed reconstruction, extension, alteration, or structural change, the Zoning Board of Appeals may by Special Permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the surrounding neighborhood.

- b. Non-Conforming Lots. Any increase in area, frontage, width, yard or depth requirements of this bylaw shall not apply to a lot for single or two family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed with the then existing requirements and had less than the proposed requirements but at least 5,000 square feet of area and fifty feet of frontage.

- c. Two or Three Adjoining Lots. Any increase in area frontage, width, yard or depth requirements of this zoning bylaw shall not apply for a period of five years from its effective date to a lot for single family residential use provided the plan for such lot was duly recorded or endorsed and such lot was held in common ownership with any adjoining land and has less than the dimensional and density requirements of the newly effective zoning but contained at least seven thousand five hundred (7,500) square feet and seventy five (75) feet of frontage. This exemption shall not apply to more than three (3) such lots held in common ownership.
- d. Non-Conformity Due to Public Taking. Any non-conformity relative to setback or lot area created by laying out and acceptances of a road or roads in the Town of Chatham as a public way or as ways shall render any structure, use or lot as preexisting non-conforming. Any structure or use that becomes non-conforming as a result of said taking may be extended provided that doing so does not increase the non-conforming nature of such a structure or use. Any lot that is reduced in area such as to render it unbuildable because it no longer meets the minimum lot area for the zoning district in which it is located or because it no longer meets the minimum lot area for the exemptions provided in this section of the Chatham Zoning Bylaw may be built upon provided that said lot was buildable prior to said road taking.
- e. Subdivision and Approval Not Required Plans. Subdivision and Approval Not Required plans which meet the requirement set forth in M.G.L. c.40A Section 6 are protected from certain zoning changes for a period of eight (8) years in the case of subdivisions and three (3) years in the case of Approval Not Required plans.

4. Nonconforming Commercial Uses or Structures.

The Zoning Board of Appeals may grant a Special Permit to change a non-conforming commercial use in accordance with this section only if it determines that such a change or extension shall not be more substantially detrimental than the existing non-conforming use to the surrounding neighborhood. The following types of changes to non-conforming uses may be considered by the Zoning Board of Appeals:

- a. Change or extension of the use.
- b. Change from one nonconforming use to another, less detrimental, nonconforming use.
- c. The following circumstances shall be deemed as examples of changing from one non-conforming use to another less detrimental non-conforming use.
 - 1) Change from a retail use to a personal service use, but not including banks.
 - 2) Change from a retail use to an office use, but not including medical offices.
 - 3) Change from one retail use to another retail use that does not require additional off-street parking, or make the existing off-street parking supply more non-conforming.
- d. Non-Conforming Commercial Structures. The Zoning Board of Appeals may grant a Special Permit to reconstruct, extend, alter, or change a non conforming structure in

accordance with this section only if it determines that such reconstruction, extension, alteration or change shall not be substantially more detrimental than the existing non-conforming structure to the surrounding neighborhood. Only the following types of changes to nonconforming structures may be considered by the Zoning Board of Appeals:

- 1) Reconstructed, extended or structurally changed; or
- 2) Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

5. Special Permit Decision Criteria.

In exercising its decision-making authority, the Zoning Board of Appeals shall make written findings that the proposed extension, alteration, or change of use will not be substantially more detrimental to the neighborhood than the existing non-conforming structure or use. The Zoning Board of Appeals shall address each of the following considerations as applicable:

- a. Adequacy of the size of the site including, but not limited to, maximum lot or building coverage and setbacks;
- b. Compatibility of the size of the proposed structure with neighboring properties;
- c. Extent of proposed increase in non-conforming nature of the structure or use;
- d. Suitability of the site, including but not limited to, impact on neighboring properties or on the natural environment , including slopes, vegetation, wetlands, groundwater, water bodies and storm water run-off;
- e. Impact of scale, location, sighting and mass on neighborhood visual character, including public views, vistas and streetscapes;
- f. Compatibility of proposed uses with neighboring uses; including but not limited to the historic value of the building and /or abutting structures, as determined by the Chatham Historic Commission.
- g. Adequacy of method of sewage disposal, source of water or drainage;
- h. Impact on traffic flow and safety;
- i. Noise and litter;
- j. Adequacy of utilities and other public services.

6. Variance Required.

Except as provided in subsection D.3; the reconstruction, extension, or structural change of a non-conforming structure in such a manner as to expand the existing non-conformity relative to side yards, and height, but not including the extension of an exterior wall at or along the same nonconforming distance within a required yard setback, shall require the issuance of a variance from the Zoning Board of Appeals consistent with M.G.L. c.40A Section 10.

7. Abandonment or Non-Use.

A non-conforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Bylaw.

8. Reconstruction after Catastrophe.

A non-conforming structure may be reconstructed for the same use after a catastrophe in accordance with the following provisions:

- a. Reconstruction of said premises shall commence within two years after such catastrophe.
- b. Reconstructed structures shall be located on the same footprint as the original non-conforming structure, and shall be only as great in volume and/or area as the original nonconforming structure.
- c. Structures destroyed by catastrophe may also be rebuilt in a different location on the lot so long as the new location meets all applicable dimensions required by the present bylaw for the zoning district in which the structure is located.

9. Reversion to Nonconformity.

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

E. ACCESSORY USES

1. Basic Requirements.

- a. An accessory use shall be incidental and subordinate to the permitted or Special Permitted principal use of the land.
- b. An accessory use shall be located on the same lot as the principal residential or non-residential building occupied by the owner of the accessory use, and shall not alter the character of the premises on which it is located or impair the neighborhood.
- c. Accessory uses are permitted only in accordance with uses permitted in the Chatham Protective Zoning Bylaw.

2. Residential Accessory Uses.

- a. The following accessory uses are permitted in association with a permitted residential use:
 - 1) Private garage or carport, barn, boathouse, greenhouse, tennis court, swimming pool, solar system, other structures clearly accessory and incidental to the principal residential use.
 - 2) Permitted, subject to any applicable regulations for the use in Section 3 of this Bylaw:

- (a) Guest house, Section 3(O)(1).
- (b) Tent, trailer, camping vehicle, or mobile home, Section 3(Q)(1).
- (c) Home occupation or home-based business in accordance with Section 3(O)(2), such as but not limited to:
 - (1) Office for professional or business use.
 - (2) Boarding or rooming house or bed and breakfast in an owner-occupied detached single-family home, with not more than three rooms for lodgers or guests.
 - (3) Family day care home as defined in M.G.L. c.28A, Section 9, licensed by the Commonwealth of Massachusetts.
 - (4) Agricultural, maritime or forestry use, except that where such use is on more than five acres of land, it shall be exempt from Section 3(O)(2)(d). However, on five or fewer acres of land, an accessory agricultural use shall not include animal husbandry.
- b. The following residential accessory uses are allowed only by Special Permit:
 - 1) Any accessory use in subsection (a) above, when associated with a use requiring a Special Permit.
 - 2) Affordable accessory apartment.

3. Nonresidential Accessory Uses.

- a. General
 - 1) Any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land, as determined by the Building Inspector.
 - 2) Any use authorized as a principal use by Special Permit may also be authorized as an accessory use by Special Permit provided such use is customarily incidental to the main or principal building or use of the land.
- b. Nonresidential accessory uses also include any of the following:
 - 1) Facilities for training employees of the principal use.
 - 2) An employee food service area established exclusively to serve employees of the principal use.
 - 3) The outdoor display or storage of goods and merchandise for sale is permitted only when such display or storage is wholly incidental and secondary to the primary use conducted within the permanent structure on the lot. No such display or storage may occur in delineated parking spaces, traffic lanes, crosswalks,

sidewalks or public ways, and all outdoor storage shall be screened from view from adjacent or nearby streets and properties. No additional signs are permitted except as otherwise provided herein.

- 4) One dwelling unit per lot incidental to a permitted commercial or industrial use, occupied by the owner or an employee, such as a watchman's or caretaker's quarters, subject to Section 3(N)(3).
- c. In all instances where Site Plan Review is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in the applicable use or dimensional regulations of the district or in Section 6(B), Site Plan Review, shall also require Site Plan Review and approval.

4. Scientific Research.

Scientific research uses, whether or not on the same parcel as activities permitted as a matter of right or as accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development, as determined by the Building Inspector, may be permitted upon the issuance of a Special Permit provided the Zoning Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

F. LOTS IN TWO TOWNS

When a lot in one ownership is situated in part in the Town of Chatham and in part in an adjacent municipality, the provisions of this Bylaw shall be applied to that portion of the lot lying in the Town of Chatham in the same manner as if the entire lot were situated therein.

3. USE REGULATIONS

A. RESIDENTIAL DISTRICTS (R60, R40, R40A, R30, R20)

1. Permitted Uses.

- a. Exempt Uses
- b. Municipal Uses
- c. Agricultural Uses
 - 1) Agriculture
 - 2) Conservation or passive recreation area
- d. Residential Uses
 - 1) Detached single-family dwelling
 - 2) Residential accessory uses, subject to Section 3(O), except accessory uses requiring a Special Permit under Subsection 2 below.

2. Uses Allowed by Planning Board Special Permit.

- a. Public Service and Institutional Uses
 - 1) Private not-for-profit club
 - 2) Public utility building or facility
- b. Residential Uses
 - 1) Congregate residence, subject to Section 3(N)(1)
 - 2) Boarding house, rooming house or bed and breakfast, subject to Section 3(N)6
 - 3) Residential accessory uses, subject to Section 3(O):
 - (a) Guest house
 - (b) Other accessory uses when accessory to a principal use that requires a Special Permit

B. RESIDENTIAL 20A (APARTMENT)

1. Permitted Uses.

- a. Exempt Uses

- b. Municipal Uses
- c. Agricultural Uses
 - 1) Agriculture
 - 2) Conservation or passive recreation area
- d. Residential Uses
 - 1) Detached single-family dwelling
 - 2) Subject to Section 3(N):
 - (a) Multi-family dwelling
 - (b) Congregate residence
 - 3) Residential accessory uses, subject to Section 3(O), except accessory uses requiring a Special Permit under Subsection 2 below.

2. Uses Allowed by Planning Board Special Permit.

- a. Public Service and Institutional Uses
 - 1) Private not-for-profit club
 - 2) Public utility building or facility
- b. Residential Uses, subject to Section 3(N):
 - 1) Congregate residence
 - 2) Boarding house, rooming house or bed and breakfast

C. RESERVED

D. RESIDENCE SEASHORE CONSERVANCY DISTRICT

The Residence Seashore Conservancy District is intended to protect Strong Island and to further preserve the Cape Cod National Seashore in accordance with purposes of the Act of Congress of August 7, 1961 (75 Stat. 284-291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife and open spaces for the education, recreation and general welfare of the public.

1. Permitted Uses.

- a. Exempt Uses

- b. Municipal Uses
- c. Agricultural Uses
 - 1) Conservation of land, water, wildlife, vegetation, and other natural features and values.
 - 2) Recreation related and uses indigenous to conservation and the natural resources of the Seashore such as hunting, fishing, swimming and boating.
- d. Public Service and Institutional Uses
 - 1) Facilities deemed by the Secretary of the Interior to be necessary on Federally-owned property for administration and enjoyment of the Cape Cod National Seashore, provided that, to the extent possible within the purposes of the Act of Congress of August 7, 1961, (75 Stat. 284-292), plans for such facilities are coordinated with the objectives of the Chatham Planning Board.
 - 2) Public utility building or facility
- e. Residential Uses
 - 1) For a single-family dwelling meeting the requirements for any construction of improved property as defined in the Act of 1961 (75 Stat. 284-285), moving, alteration, enlargement, maintenance, or repairs, or construction of accessory structures customarily incidental to a principal residential use, provided that such improvements will afford not less than a 50-foot setback from all boundary lines and further do not alter the essential character of the dwelling as a residence. In appropriate cases, the Zoning Board of Appeals may approve lesser setback requirements for improvements or for the construction of accessory structures, provided they do not alter the residential character of the premises.
 - 2) Detached single-family dwelling and accessory structures, provided that no lot may be used for their construction which has a frontage of less than 150 feet on a way approved in accordance with the Subdivision Control Law and the Rules and Regulations of the Chatham Planning Board, and an area of less than 3 acres of upland, and no dwelling or building may be located in such manner as to provide less than a 50 foot setback from all ways, measured at a right angle with street line and a 50 foot distance from abutters property lines, and further, provided that no dwelling shall be erected below 20 feet above mean high water.

2. Uses Allowed by Planning Board Special Permit.

- a. Affordable accessory dwelling as an accessory use, subject to Section 3(O)(3)

3. Prohibited Uses.

Except as provided above, the following uses are explicitly prohibited in the Seashore Conservancy District:

- a. Burning of cover unless permitted and supervised by the Chatham Fire Chief.
- b. Filling of land, dumping, nor removal of soil, loam, sand or gravel except for the maintenance and protection of existing dwellings as defined in the Act of Congress of August 7, 1961 (75 Stat. 284-285).
- c. Cutting timber, with the following exceptions: (1) by an owner for the purpose of reasonably controlling brush or trees, (2) maintenance cutting in pastures, or (3) cutting or clearance or maintenance on rights-of-way.
- d. Building or structures.
- e. Commercial or industrial uses or activities or signs.
- f. Drainage, damming, or relocation of any water course except by a publicly authorized agency for the purpose of pest control.
- g. Continuous storage of materials or equipment.
- h. Other uses unless specifically permitted above.

E. SOUTH CHATHAM NEIGHBORHOOD CENTER

1. Permitted Uses.

- a. Exempt Uses
- b. Municipal Uses
- c. Agricultural Uses
 - 1) Agriculture on five acres of land or less
 - 2) Conservation or passive recreation area
- d. Residential Uses
 - 1) Detached single-family dwelling
 - 2) Dwelling in a mixed-use building, subject to Section 3(N)
 - 3) Residential accessory uses, subject to Section 3(O), except accessory uses requiring a Special Permit under Subsection 2 below.
- e. Commercial Uses
 - 1) Professional or business office, not exceeding 1,500 square feet of gross floor area
 - 2) Retail or personal service, not exceeding 1,500 square feet of gross floor area

- 3) Commercial accessory uses, subject to Section 3(P)(1)

2. Uses Allowed by Planning Board Special Permit.

a. Public Service and Institutional Uses

- 1) Private not-for-profit club
- 2) Public utility building or facility

b. Residential Uses

- 1) Congregate residence, subject to Section 3(N)
- 2) Boarding house, rooming house or bed and breakfast, subject to Section 3(N)
- 3) Residential accessory uses when accessory to a principal use requiring a Special Permit, subject to Section 3(O)

c. Commercial Uses

- 1) Professional or business office exceeding 2,000 square feet of gross floor area
- 2) Restaurant, not exceeding 2,000 square feet of gross floor area
- 3) Retail exceeding 1,500 square feet but not more than 2,000 square feet of gross floor area
- 4) Commercial accessory uses, subject to Section 3(P)

F. NORTH CHATHAM NEIGHBORHOOD CENTER

1. Permitted Uses.

a. Exempt Uses

b. Municipal Uses

c. Agricultural Uses

d. Commercial Uses

- 1) Bank
- 2) Personal service establishment
- 3) Retail sales and service
- 4) Professional or business office

2. Uses Allowed by Planning Board Special Permit.

- a. Agricultural Uses
 - 1) Agriculture on five acres of land or less, including road side stand as an accessory use
- b. Public Service and Institutional Uses
 - 1) Private not-for-profit club or organization
 - 2) Public utility building or facility
- c. Residential Uses
 - 1) Detached single-family dwelling
 - 2) Subject to Section 3(N):
 - (a) Assisted living facility
 - (b) Congregate residence
 - (c) Continuing care retirement community
 - (d) Senior housing
 - (e) Boarding house, rooming house or bed and breakfast
- d. Commercial Uses
 - 1) Arts and crafts production
 - 2) Auto filling and service station
 - 3) Bus stop, sheltered
 - 4) Medical or dental office or clinic
 - 5) Professional office
 - 6) Restaurant, not exceeding 3,500 square feet of gross floor area
 - 7) Commercial accessory uses, subject to Section 3(P)

G. WEST CHATHAM NEIGHBORHOOD CENTER

1. Permitted Uses.

- a. Exempt Uses
- b. Municipal Uses
- c. Agricultural Uses
- d. Residential Uses
 - 1) Dwelling in a Mixed-Use Building, subject to Section 3(N)
- e. Commercial Uses
 - 1) Bank
 - 2) Personal service establishment
 - 3) Professional or business office
 - 4) Retail sales and service
 - 5) Medical or dental office or clinic
 - 6) Accessory uses

2. Uses Allowed by Planning Board Special Permit.

- a. Agricultural Uses
 - 1) Agriculture on five acres of land or less, including road side stand as an accessory use
- b. Public Service and Institutional Uses
 - 1) Museum or other cultural establishment
 - 2) Nursing home
 - 3) Public utility building or facility
- c. Private not-for-profit club
- d. Residential Uses
 - 1) Subject to Section 3(N):
 - (a) Conversion of existing single-family to a two-family dwelling

- (b) Congregate residence
 - (c) Boarding house, rooming house or bed and breakfast
- 2) Residential accessory uses when accessory to a principal use requiring a Special Permit, subject to Section 3(O)
- e. Commercial Uses
 - 1) Arts and crafts production
 - 2) Bus stop, sheltered
 - 3) Commercial greenhouse
 - 4) Commercial recreation: indoor
 - 5) Motel, hotel, inn
 - 6) Restaurant, not more than 7,500 sq. ft of gross floor area.
 - 7) Take-out food service establishment
 - 8) Veterinary clinic
 - 9) Commercial accessory uses, subject to Section 3(P)

H. CROWELL ROAD NEIGHBORHOOD CENTER

1. Permitted Uses.

- a. Exempt Uses
- b. Municipal Uses
- c. Agricultural Uses
- d. Public Service and Institutional Uses
 - 1) Museum
 - 2) Performing arts center
 - 3) Public utility building or facility
- e. Residential Uses
 - 1) Mixed use, subject to Section 3(N)(2)

- 2) Residential accessory uses, subject to Section 3(O), except accessory uses requiring a Special Permit under Subsection 2 below

f. Commercial Uses

- 1) Professional or business office, up to 3,000 sq. ft. of gross floor area.
- 2) Restaurant, up to 1,500 square feet of gross floor area
- 3) Retail sales and service
- 4) Medical or dental office or clinic

2. Uses Allowed by Planning Board Special Permit.

a. Agricultural Uses

- 1) Agriculture on five acres or less, but not including animal husbandry
- 2) Recreation area

b. Public Service and Institutional Uses

- 1) Nursing home
- 2) Private non-profit club

c. Residential Uses

- 1) Subject to Section 3(N):
 - (a) Assisted living facility
 - (b) Boarding house, rooming house or bed and breakfast
 - (c) Congregate residence
 - (d) Continuing care retirement community
- 2) Residential accessory uses when accessory to a principal use requiring a Special Permit, subject to Section 3(O)

d. Commercial Uses

- 1) Arts and craft production
- 2) Bank
- 3) Bus stop, sheltered
- 4) Restaurant, not exceeding 3,500 square feet of gross floor area

- 5) Veterinary clinic
- 6) Commercial accessory uses, subject to Section 3(P)

I. GENERAL BUSINESS DISTRICT 1 AND 2

1. Permitted Uses.

- a. Exempt Uses
- b. Municipal Uses
- c. Conservation or Passive Recreation
- d. Residential Uses
 - 1) Dwelling in a mixed-use building, subject to Section 3(N)
 - 2) Residential accessory uses, subject to Section 3(O), except accessory uses requiring a Special Permit under Section 2 below
- e. Commercial Uses
 - 1) Bank
 - 2) Personal service
 - 3) Professional or business office
 - 4) Retail sales and service
 - 5) Medical or dental office or clinic
 - 6) Commercial accessory uses, subject to Section 3(P)

2. Uses Allowed by Planning Board Special Permit.

- a. Conservation, Recreation and Agricultural Uses
 - 1) Agriculture on five acres of land or less, including road side stand as an accessory use
- b. Public Service and Institutional Uses
 - 1) Philanthropic use
 - 2) Private not-for-profit club or organization
 - 3) Museum or cultural establishment

- 4) Public utility building and facilities

c. Residential Uses

- 1) Detached single-family dwelling
- 2) Subject to Section 3(N)
 - (a) Assisted living facility
 - (b) Congregate residence
 - (c) Continuing care retirement community
 - (d) Two-family dwelling, by conversion of existing single-family dwelling
 - (e) Senior housing
 - (f) Boarding house, rooming house or bed and breakfast
- 3) Residential accessory uses when accessory to a principal use requiring a Special Permit, subject to Section 3(O)

d. Commercial Uses

- 1) Arts and crafts production
- 2) Auto sales, new or used
- 3) Bus stop, sheltered
- 4) Cinema or theatre
- 5) Commercial entertainment
- 6) Retail greenhouse
- 7) Commercial parking lot or parking garage
- 8) Athletic or health club
- 9) Commercial storage
- 10) Motel, hotel or inn
- 11) Restaurant
- 12) Take-out food service establishment
- 13) Veterinary clinic

- 14) Wholesale trade establishment
- 15) Commercial accessory uses, subject to Section 3(P)

J. DOWNTOWN BUSINESS DISTRICT

1. Permitted Uses.

- a. Exempt Uses
- b. Municipal Uses
- c. Conservation or Recreation Use
- d. Residential Uses
 - 1) Mixed use, not more than one unit per 2,500 square feet of lot area
 - 2) Residential accessory uses, subject to Section 3(O), except accessory uses requiring a Special Permit under Subsection 2 below
- e. Commercial Uses
 - 1) Bank
 - 2) Personal service establishment
 - 3) Professional or business office
 - 4) Restaurant
 - 5) Retail sales and service
 - 6) Commercial accessory uses, subject to Section 3(P)

2. Uses Allowed by Planning Board Special Permit.

- a. Public Services and Institutional Uses
 - 1) Private not-for-profit club or organization
 - 2) Museum or cultural establishment
 - 3) Public utility building or facility
- b. Residential Uses
 - 1) Subject to Section 3(N):

- (a) Congregate residence
 - (b) Two-family dwelling, by conversion of existing single-family dwelling
 - (c) Boarding house, rooming house or bed and breakfast
- 2) Subject to Section 3(O):
 - (a) Residential accessory uses when accessory to a principal use requiring a Special Permit
- c. Commercial Uses
 - 1) Arts and crafts production
 - 2) Cinema or theatre
 - 3) Commercial entertainment
 - 4) Commercial parking lot
 - 5) Athletic or health club
 - 6) Medical or dental office or clinic
 - 7) Motel, hotel or inn
 - 8) Take-out food service
 - 9) Commercial accessory uses, subject to Section 3(P)

K. INDUSTRIAL DISTRICT

1. Permitted Uses.

- a. Exempt Uses
- b. Municipal Uses
- c. Conservation, Recreation or Agricultural Uses
 - 1) Agriculture on five acres of land or less
- d. Commercial or Industrial Uses
 - 1) Arts and crafts production
 - 2) Boat building or repair
 - 3) Boat storage

- 4) Auto Sales
- 5) Contractor's yard
- 6) Fuel establishment
- 7) Lumber and feed establishment
- 8) Maritime commercial use
- 9) Wholesale trade establishment
- 10) Wholesale storage
- 11) Woodworking shop
- 12) Light industry or manufacturing
- 13) Commercial or industrial accessory uses, subject to Section 3(P)

2. Uses Allowed by Planning Board Special Permit.

- a. Public Service and Institutional Uses
 - 1) Public utility building or facility
- b. Commercial Uses
 - 1) Adult use establishment
 - 2) Auto filling and service station
 - 3) Auto Body Repair
 - 4) Commercial storage
 - 5) Take-out food service establishment
 - 6) Commercial accessory uses
- c. Industrial Uses
 - 1) Transportation terminal
 - 2) Industrial accessory uses, subject to Section 3(P)

L. MUNICIPAL DISTRICT

1. Permitted Uses.

- a. Exempt Uses
- b. Municipal Uses
- c. Conservation, Recreation and Agricultural Uses
 - 1) Conservation of land, water, wildlife, vegetation and other natural features
 - 2) Parks, beaches, and active recreation facilities, including related buildings
 - 3) Low-intensity recreation use, such as walking, biking, fishing or picnicking
 - 4) Structure or improvement related to low-intensity recreational use, conservation or agriculture
- d. Public utility building or facility
- e. Structure or improvement related to a municipal water supply

M. OPEN SPACE DISTRICT

1. Permitted Uses.

- a. Exempt Uses
- b. Municipal Uses
- c. Conservation, Recreation and Agricultural Uses
 - 1) Conservation of land, water, wildlife, vegetation and other natural features
 - 2) Parks, beaches, and active recreation facilities, including related buildings
 - 3) Structure or improvement related to a municipal water supply.

N. SPECIAL REGULATIONS FOR RESIDENTIAL USES

1. Congregate Residence

Where a congregate residence is permitted or allowed by Special Permit from the Planning Board, it shall comply with all of the following requirements:

- a. The area of the lot shall provide not less than three thousand (3,000) square feet of buildable upland for every two (2) beds but not to exceed (6) individuals per building. In addition, where a separate dwelling unit is provided for the owner or an employee, there

shall be at least ten thousand (10,000) square feet of buildable upland provided for such dwelling.

- b. There shall be at least one (1) parking space for each bedroom in the congregate residence. The parking area shall meet the abutter setback requirements for the zoning district within which the use is located
- c. When located in a Residential District, no congregate residence shall be located less than forty feet (40') from any lot line and all such uses shall be adequately fenced or screened from any adjacent residential uses.
- d. A Special Permit for a congregate residence shall be effective for one year following the date of issuance. Such Special Permit shall be renewed on an annual basis unless the Planning Board, following a public hearing, determines that the use is not in compliance with all applicable regulations and is detrimental to the character of the neighborhood.

2. Dwelling in a Mixed-Use Building

- a. Aggregate gross floor area used for dwellings shall not exceed 65% of the total gross floor area of the building.
- b. Dwellings shall be located above the ground floor of a permitted or Special Permitted commercial use. No dwellings shall be located below finish grade.

3. Dwelling Incidental to a Commercial or Industrial Use

A dwelling accessory and incidental to a principal commercial or industrial use is intended for occupancy by a caretaker, a watchman or other on-site security personnel employed by the principal establishment, and shall meet the following minimum requirements:

- a. There shall be no more than one dwelling incidental to a commercial or industrial use.
- b. The dwelling shall be occupied by the owner of the principal commercial or industrial use, or an employee thereof.
- c. The residential use of the property shall be compatible with the nature and scale of the permitted commercial/industrial uses on the lot.

4. Two-Family Dwellings

- a. Conversion of Existing Single-Family Dwelling to Two-Family Dwelling

Where permitted or allowed by Special Permit by the Planning Board, the conversion of an existing single-family dwelling to a multi-family dwelling shall meet the following minimum requirements:

- 1) A residence converted under this section shall contain not more than two (2) dwelling units.
- 2) The area of any lot shall provide not less than ten thousand (10,000) square feet of buildable upland for each dwelling unit.

- 3) There shall be living quarters of not more than two (2) stories above finish grade level and none below such level.
- 4) Exterior additions, not to exceed fifteen percent (15%) of the enclosed ground area of the existing dwelling, excluding porches, breezeways, stoops, garages, and sheds, shall be permitted provided that setback and building coverage requirements are maintained.
- 5) There shall be not less than a five (5) foot wide buffer strip of planting or grass between any driveway or parking area and the abutter's line and around the dwelling. No parking area shall be less than ten (10) feet from the street or way.
- 6) Site Plan approval shall be required in accordance with Section 6(B) prior to the issuance of a building permit for any exterior remodeling.

b. Conversion of Commercial Lodging to Multi-Family Dwelling(s)

A motel, hotel, rooming house or other similar structure may not be converted to multi-family dwelling use under condominium, cooperative, time-share or other similar type of ownership except upon issuance of a Special Permit by the Planning Board and Site Plan approval by the Planning Board.

c. New Construction of Multi-Family Dwellings

- 1) The following regulations shall apply in any district where new construction of multi-family dwellings is permitted or allowed by Special Permit by the Planning Board:
 - (a) No new multi-family development shall exceed four (4) units per acre of contiguous buildable upland unless a higher density is allowed by right or by Special Permit under the regulations of the applicable zoning district.
 - (b) There shall be a vegetated buffer zone of not less than twenty (20) feet along the rear and side property lines, and a landscaped area of not less than twenty (20) feet along any street frontage.
 - (c) In the R-20A District, buildings in a multi-family development shall not cover more than fifteen (15) percent of the total lot area nor shall lot coverage by all impervious surfaces exceed fifty (50) percent. The remaining fifty (50) percent of the lot shall be open space.
 - (d) In the GB Districts, buildings shall not cover more than forty (40) percent of the total lot area nor shall lot coverage by all impervious surfaces exceed eighty (80) percent. The remaining twenty (20) percent of the lot shall be open space. For multi-family developments in the GB Districts which do not include commercial space, buildings shall not cover more than twenty-five (25) percent of the total lot area nor shall lot coverage by all impervious surfaces exceed fifty (50) percent. The remaining fifty (50) percent of the lot shall be open space.

- (e) There shall be no more than four (4) dwelling units in one building.
- (f) There shall be living quarters of not more than two (2) stories above finish grade and none below such level.
- (g) No principal building shall be located less than thirty (30) feet from any other principal building.

d. Conversion of Cottage Colony to Multi-Family Development

An existing cottage colony may not be converted to year-round single-family dwellings under condominium, cooperative, rental, interval or similar type of ownership unless the property meets the following requirements:

- 1) The number of dwelling units allowed shall not exceed the total area of buildable upland divided by the minimum lot area for the zoning district in which the cottage colony is located.
- 2) When the cottage colony lies in more than one zoning district, the number of dwelling units allowed shall be calculated for each district and summed to give an overall allowable total without respect to the allowable subtotals by district.
- 3) Roadway access shall be provided to each dwelling unit by a way at least sixteen (16) feet wide. Surface, drainage and grading shall be equivalent to that required by the Planning Board's Subdivision Regulations.
- 4) There shall be a minimum of twenty (20) feet between all principal buildings. Setbacks shall comply with the requirements of Section 4, Table of Dimensional and Density Regulations.
- 5) Two designated off-street parking spaces shall be provided for each dwelling unit.
- 6) Site Plan approval by the Planning Board shall be required.

5. Senior Housing, Assisted Living Facility or Continuing Care Retirement Community (CCRC)

Where allowed by Special Permit by the Planning Board, senior housing and related facilities for elderly persons shall meet the following minimum requirements:

- a. A Senior Housing or Assisted Living Facility shall contain no more than twelve (12) units per 40,000 square feet of contiguous buildable upland. No dwelling unit shall contain more than two (2) bedrooms.
- b. A CCRC development shall be limited in size by a maximum gross floor area ratio of .50, i.e., gross floor area for all residential, congregate and related health care facilities in the development shall not exceed 50% of the buildable upland on the lot. Not more than 60% of the gross floor area in a CCRC shall be used for Senior Housing units.

- c. Unless a different minimum age requirement is established by a superseding state or federal law, all permanent residents shall be age sixty-two (62) years or older, except that the spouse or partner of a permanent resident may be younger.
- d. A Senior Housing, Assisted Living Facility or CCRC shall provide common facilities for the use and enjoyment of residents. Such common facilities may include but are not limited to accessory recreational, social, food service, personal service or health care facilities, subject to approval by the Zoning Board of Appeals.
- e. There shall be a vegetated buffer of not less than twenty (20) feet along the rear and side property lines, a landscaped area of not less than twenty (20) feet along any street frontage.
- f. All buildings shall be set back from abutting property lines, except along any street frontage, by a minimum distance equal to the required buffer plus one-half (1/2) the above-grade height of the wall of the building abutting that property line. Along any street frontage, the building shall be set back a minimum distance equal to the required landscaped area.
- g. Buildings shall not cover more than thirty-five (35) percent of the total lot area nor shall lot coverage by impervious surfaces exceed seventy-five (75) percent. The remaining twenty-five (25) percent of the lot shall be open space.

6. Boarding House, Rooming House or Bed and Breakfast

Where a Boarding House, Rooming House or Bed and Breakfast is allowed by Special Permit, the following Special Permit decision criteria shall apply in addition to the conditions and standards set forth in Section 7(C) of this Bylaw:

- 1) The use shall be located within an owner-occupied, detached single-family residence and operated by the occupant.
- 2) The lot shall not contain less than 20,000 square feet of buildable upland. The minimum buildable upland requirement may be waived by Special Permit from the Zoning Board of Appeals if the principal dwelling is connected to Town sewerage.
- 3) Any food service provided shall be in compliance with applicable regulations of the Chatham Board of Health.
- 4) Rooms used for rental occupancy by boarders or lodgers shall meet the following requirements:
 - (a) Egress shall be approved by the Fire Chief with due regard for public safety.
 - (b) There shall be no more than five (5) such rooms.
 - (c) Not more than two persons may occupy any one rental room.
- 5) Off-street parking for occupants of the rental rooms shall meet the parking setback requirements for the zoning district within which the use is located.

- 6) Abbreviated Site Plan Review shall be required in accordance with Section 6(C).

O. SPECIAL REGULATIONS FOR RESIDENTIAL ACCESSORY USES

1. Guest House

A Guest House is allowed only as an accessory use to a detached single-family dwelling on a conforming lot, provided that it complies with all of the following requirements:

- a. There shall be not more than one Guest House on any one lot.
- b. The property shall be owner-occupied.
- c. The Guest House may be a separate building or part of the principal dwelling, accessory garage or barn. However, the floor area of a Guest House shall not exceed 33% of the floor area of the principal dwelling.
- d. A Guest House may be used by the owner-occupants of the principal dwelling or their guests, or it may be rented.
- e. The lot on which a Guest House is constructed shall have at least 20,000 square feet of buildable upland for the principal residence and 10,000 square feet in addition to the minimum lot size required for the zoning district in which it is located.
- f. When a guest unit is part of the principal dwelling and occupied by a member of the immediate family occupying the principal dwelling, the Zoning Board of Appeals may grant a Special Permit to waive the additional land area requirement provided the guest unit contains not more than one (1) bedroom.

2. Home Occupation or Home-Based Business

- a. Classifications. In this Bylaw, "home occupations" are divided into the following classes:
 - 1) Home professional office: office for the practice of a profession involving a high degree of training in the humanities, science or arts, such as medicine, law, engineering or fine arts.
 - 2) Home personal service: personal services, such as insurance, notary public, real estate broker, dressmaking, beauty care, clerical services; studio for the teaching of fine or domestic arts and crafts; family day care home; or home baker or caterer.
 - 3) Home business workshop: the business or shop of a painter, carpenter, electrician or similar construction trade.
 - 4) Agricultural or maritime use: on five acres or less of land, agricultural or horticultural activities excluding animal husbandry; or the storage of up to three fishing boats and maritime-related equipment on residential property.

- 5) Home specialty retail: the sale of homemade products on the premises other than those permitted in connection with farm uses; or of collector's items, such as antiques, stamps, coins, etc.
- 6) Accessory lodging or guest accommodations: the renting of not more than three rooms in an owner-occupied residence to boarders or lodgers, e.g., a boarding house or bed and breakfast accessory to a detached single-family dwelling.

b. General.

- 1) Unless otherwise specified in the use regulations of a zoning district, any home occupation, owned by the principal resident of the home, meeting all of the following requirements shall be permitted as of right as an accessory residential use:
 - (a) There shall be no change in the exterior appearance of the residence or premises other than a permitted sign.
 - (b) There shall be no sales of products except goods produced on the premises or products incidental to the service provided.
 - (c) In any Residential District, employees working on the premises shall not exceed one (1) in addition to members of the resident family. Not more than one (1) business-related vehicles shall be stored or parked on the premises.
 - (d) In a Business District, employees working on the premises shall not exceed two (2) in addition to members of the resident family. Not more than four (4) business-related vehicles shall be stored or parked on the premises, and not more than two (2) such vehicles shall be stored or parked within public view.
- 2) Any home occupation that does not meet the above requirements shall be allowed only by Special Permit from the Zoning Board of Appeals.

c. Antique Shop, Art Gallery or Gift Shop

Where permitted or allowed by Special Permit, an accessory antique shop, art gallery or gift shop shall meet the following minimum requirements:

- 1) The use shall be located within a detached single-family dwelling and operated by a resident occupant; and
- 2) The use shall not occupy more than 33% of the first floor area of the building(s).

d. Accessory Agricultural or Maritime Use

- 1) An accessory maritime use shall be permitted in association with a permitted residential use, or by Special Permit in association with a Special Permitted residential use, provided that it is limited to:
 - (a) Storage of boats and related fishing gear.

- (b) Not more than 3 boats associated with the maritime use shall be stored or parked on the premises, including maritime-related equipment stored in accessory buildings or in the rear yard and within the rear lot line.
- 2) On five or fewer acres of land, an accessory agricultural use shall be permitted in association with a permitted residential use, or by Special Permit in association with a Special Permitted residential use, provided that:
 - (a) No accessory agricultural use shall include animal husbandry.
 - (b) Any farm stand shall be subject to Abbreviated Site Plan Review by the Planning Board.

3. Affordable Accessory Apartment

- a. Intent. The intent of this section is to provide affordable housing to meet the needs of Chatham residents and workers. This section sets forth standards and conditions for an Affordable Accessory Apartment incidental to a detached single-family dwelling. It is intended that any dwelling units approved under this Bylaw shall remain affordable for the maximum period allowed by law or as long as the use continues to exist on the lot.
- b. Minimum Standards
 - 1) An Affordable Accessory Apartment is allowed by Special Permit by the Planning Board only as an accessory use to an owner-occupied, detached single-family dwelling on a lot with at least 20,000 square feet of buildable upland.
 - 2) There shall be not more than one Affordable Accessory Apartment per residence.
 - 3) A detached single-family dwelling with a Guest House on the same lot shall not be eligible for an Affordable Accessory Apartment Special Permit.
 - 4) The Affordable Accessory Apartment may be part of the principal dwelling or in a separate building accessory to the principal dwelling.
 - 5) An Affordable Accessory Apartment shall meet the following minimum size requirements: a one-bedroom unit shall contain not less than 750 square feet of living area, and a two-bedroom shall contain not less than 900 square feet of living area, provided that no Affordable Accessory Apartment shall exceed 25% of the gross floor area of the principal residence unless waived by Special Permit from the Planning board.
 - 6) Either the apartment or the principal dwelling must be occupied as an affordable housing unit, provided the property owner occupies the unit which is not designated as affordable. A change in designation of the affordable unit shall require an amendment to the Special Permit.
 - 7) Unless waived by the Planning Board, two parking spaces shall be provided for the affordable apartment in addition to the two parking spaces required for the detached single-family dwelling.

- 8) The owner of the property must meet and continuously adhere to the conditions for an affordable accessory apartment as set forth in Section 3a.
- 9) The site shall provide for privacy, noise reduction, and outdoor recreation area for the tenants of the apartment.

c. Special Permit Requirements

- 1) The Zoning Board of Appeals shall be the Special Permit Granting Authority for an Affordable Accessory Apartment.
- 2) No more than ten (10) Affordable Accessory Apartment Special Permits shall be granted in any 12-month period.
- 3) Prior to granting an Affordable Accessory Apartment Special Permit, the Zoning Board of Appeals shall solicit comments on the proposal from other Town departments, boards or committees with jurisdiction in a particular case and shall consider their comments.
- 4) In addition to the review criteria for Special Permits set forth in this Bylaw, the following criteria shall be used in the review of all Special Permits for Affordable Accessory Apartments:
 - (a) Adequacy and suitability of the site for the addition of the apartment, whether or not new construction is proposed, with consideration of the size and shape of the site, access to the site, location of existing and proposed buildings, topography of the site and surrounding area, and existing vegetation.
 - (b) Impact of the proposal upon the abutters and the neighborhood, including such considerations as the size of the unit proposed, location of the unit on the site, proximity of the unit to the abutters, layout of parking provided, and location of the outdoor use area for the unit.
- 5) The Special Permit shall lapse in the event that the affordable apartment is not used for a period of two years. Upon application by the owner, the Zoning Board of Appeals may reinstate the Special Permit following a public hearing. If the reinstatement is not requested or is denied by the Zoning Board, the Zoning Enforcement Officer may order that the kitchen be removed from the apartment.
- 6) The Zoning Enforcement Officer has the authority to order the kitchen to be removed from the affordable apartment upon finding a violation of the conditions of the Special Permit issued under this section and in the event that the owner does not correct the violation in a timely manner, after being given proper notice.

d. Special Permit Conditions

- 1) The Zoning Board of Appeals may impose conditions on the Special Permit in keeping with the review criteria specified herein. Such conditions may include a limit on the number of people who can occupy the affordable unit.

- 2) To remain in compliance with the Special Permit, an Affordable Accessory Apartment shall comply with all of the following conditions:
 - (a) The affordable unit shall be rented subject to a minimum 12-month lease.
 - (b) Not less than once per year following initial occupancy of the affordable unit, the property owner shall submit to the Zoning Enforcement Officer certification from the Chatham Housing Authority that the tenants occupying the affordable unit are a low- or moderate-income household and the rent charged them is affordable as defined in this Bylaw. Such certification is also required upon any change in tenants or rent charged. Dates of occupancy shall be stated in the certification.
 - (c) Owners of affordable units created under this Bylaw shall be encouraged to rent the units in accordance with the Affordable Housing Local Preference Policy adopted by the Board of Selectmen, as may from time to time be amended.

P. SPECIAL REGULATIONS FOR COMMERCIAL, INDUSTRIAL AND ASSOCIATED ACCESSORY USES

1. Restaurant or Other Food Service Establishment

Where permitted or allowed by Special Permit by the Planning board, a Restaurant or Other Food Service Establishment, such as take-out food service, shall meet the following requirements:

- a. Trash shall be stored in areas which are designed and constructed so as to allow no view of trash storage from the street, to prevent waste paper from blowing around the site or adjacent properties and to permit safe, easy removal by truck or hand.
- b. Exterior lighting shall be designed so it will not cast direct light or glare upon adjacent properties or public ways.
- c. Landscaping and/or fencing shall be provided to minimize visual impacts and to minimize conflicts with adjacent residential uses.
- d. All food service uses shall comply with applicable regulations of the Chatham Board of Health.

Q. SPECIAL REGULATIONS FOR OTHER USES

1. Tent, Trailer, Camping Vehicle, Mobile Home

- a. The use of a trailer, camping vehicle or mobile home for living and/or business purposes is prohibited unless a temporary occupancy permit has been issued by the Building Inspector. The Building Inspector may grant a temporary occupancy permit of use of such facilities for a period not exceeding six (6) months in connection with the

construction of a permanent home or for use as a temporary office, or for a period not exceeding twelve (12) months in connection with the rebuilding of a residence which has been destroyed by fire or other disaster.

- b. No persons shall park or store a tent trailer, camper, camping vehicle or mobile home except in a garage or in the rear half of a lot owned and occupied by the owner of said tent, trailer, camper, camping vehicle or mobile home. If stored outside, said facilities shall conform to the setback requirements of the applicable zoning district.
- c. The temporary use of a large tent in connection with a special event such as a wedding reception, festival or similar occasion, is permitted with prior approval from the Board of Selectmen.

2. Adult Uses

a. General

- 1) Adult uses are allowed only in the Industrial District by Special Permit from the Planning board.
- 2) For purposes of this Bylaw, adult uses include adult bookstores, adult motion-picture theaters, adult paraphernalia stores or adult video stores.
- 3) Requests may be made for a Special Permit for more than one of the above uses in one location.

b. Minimum Requirements

An adult use may be permitted in the Industrial District provided that it complies with all of the following requirements:

- 1) Such use shall not be conducted within a building in which other uses are located which admit persons under the age of 18.
- 2) Such use shall be permitted only when located outside the area circumscribed by a circle which has a radius of 300 feet from the following specified uses or zoning districts:
 - (a) Any residential zoning district.
 - (b) Any church or other religious facility or institution.
 - (c) Any public or private school or a public or private child care or daycare facility.
 - (d) A youth center.
 - (e) An arena or any other building or facility of a similar nature that admits persons under the age of 18.
 - (f) Any library.

- (g) Any public park.
- (h) Any establishment which must obtain a Special Permit pursuant to this Section.
- (i) Any establishment which has received a license under the provisions of M.G.L. c. 138, Section 12.

The radius distance shall be measured by following a straight line, without regard to intervening buildings or structures, from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel of property or the land use district boundary line from which the proposed adult use is to be separated.

- 3) The premises and all buildings thereon in which such use occurs must comply in all respects with the requirements of the Chatham Protective Zoning Bylaw which pertain to the district in which the said premises are located. In addition, the provisions of Section 6(B), Site Plan Review, as well as any design review requirements, shall apply to the premises.
- 4) Signs shall be permitted subject to the provisions of the requirements set forth in Section 6(H) of this Bylaw, subject to the following condition: No sign may depict or represent any sexual conduct or state of sexual excitement as defined in M.G.L. c. 272, Section 31, nor shall any such representations or depictions be placed upon or within the windows or walls of the premises so as to be visible to the public from the exterior of the premises.

c. Application Information

The application for a Special Permit under this Section must include all of the following items:

- 1) The name, address, business address and telephone numbers of the owner or owners of the business which has made the application for such Special Permit.
- 2) The name, address, business address and telephone numbers of all persons having any equity or other interest, including but not limited to security interest, liens, mortgages or other interest in the said business, as well as the name, address, business address and telephone number of all officers, directors, shareholders and trustees of all persons or entities having any interest in the said business.
- 3) The name, address, business address and telephone numbers of all managers and all other employees that will work in the premises.
- 4) The name, address, business address and telephone number of the owner of the property upon which the business is situated and the name and address of any and all lessees and sub lessees of the said premises.

- 5) Such actions and precautions concerning the security of the premises as the applicant intends to take with respect to the premises.
- 6) A site plan in accordance with Section 6(B) of this Bylaw.
- 7) A list of any and all merchandise which is to be offered for sale or distribution, either as salable merchandise or as samples or for other distribution at no cost or in any other manner by the business.

Should any change in any of the above items occur at any time during the period of possession of a Special Permit issued hereunder, the permit holder shall forthwith provide the Zoning Board of Appeals with such new information.

d. Hours of Operation

The hours of operation of the business upon the premises shall be as determined by the Zoning Board of Appeals in the Special Permit.

e. Special Permits

- 1) In its discretion, the Planning board may grant a Special Permit for an Adult Use in accordance with the procedures, decision standards and requirements of Section 7(C) of this Bylaw, provided that:
 - (a) No person who has been convicted of violating the provisions of M.G.L. c. 119, Section 63, or M.G.L. c. 272, Section 28, shall be granted a Special Permit for an Adult Use.
 - (b) Any Special Permit granted under this Section shall lapse within one year from the date of issue, which period shall not include the time required to pursue or await determination of an appeal referred to in M.G.L. c. 40A, Section 17, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun within such period except for good cause.

f. Use Violative of Other Laws Prohibited

Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any other Town bylaw or statute of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter, or the exhibition or public display thereof.

4. DIMENSIONAL AND DENSITY REGULATIONS

A. GENERAL REQUIREMENTS

A dwelling or structure hereafter erected shall be located on a lot having not less than the minimum requirements set forth in this Section 4, Table of Dimensional and Density Requirements. No lot occupied by a dwelling or structure shall be reduced, divided or changed so as to make it nonconforming or more nonconforming with respect to any part of the Bylaw. Further, no more than one detached single-family dwelling shall be located on a residential lot, subject to Section 2(E) and Section 7.

B. SPECIFIC REQUIREMENTS

1. Minimum Lot Conditions.

- a. Buildable upland. The minimum required area of a lot used for building purposes shall not include land under any water body, below mean high water or within the layout of ways. A buildable lot in any zoning district shall contain not less than 20,000 square feet of buildable upland, as defined in Section 8 of this Bylaw, except where the minimum lot area required in a district is less than 20,000 square feet, in which case a buildable lot shall contain buildable upland equal to the minimum lot area. No lot shall be filled to conform to the minimum upland requirement.
- b. Lot shape. All lots created for building purposes shall be shaped so that they contain within the buildable upland area a circle of a diameter not less than the frontage requirement of the zoning district within which the lot is located. In addition, any portion of a lot which is narrower in width than thirty feet shall not be counted toward the required lot area.

2. Panhandle Lots.

Panhandle lots may be approved by the Planning Board when the following conditions are met:

- a. The lot shall be large enough to contain the minimum square foot area required, exclusive of the panhandle portion, and shall comply with the lot shape requirement of Subsection B(1)(b) above.
- b. Suitable access by a driveway to such lot is provided within the panhandle and, in the opinion of the Board, the access is wide enough and otherwise satisfactory for a driveway. Such access shall be no less than twenty feet (20') in width.
- c. Consistent with the criteria of this subsection, there shall be no more than one panhandle lot in any one subdivision plan, whether or not the division of land is result of a subdivision.

3. Parks and Open Space.

Any lot acquired or dedicated (or to be acquired or dedicated) in perpetuity for use as a park, open space, watershed protection or similar conservation purpose, whether by the Town or by a non-profit organization, shall be exempt from the lot area, frontage and access requirements of this Bylaw but shall be provided with such access as the Planning Board deems necessary, and the Planning Board shall so designate any such lot on any plan approved under the Subdivision Control Law and the Chatham Subdivision Regulations.

4. Corner Lot Road Setbacks.

A corner lot shall maintain road setback requirements for each street frontage except as provided in footnote 1, Table of Dimensional and Density Regulations.

5. Corner Lot Visual Clearance.

No fence, wall, hedge or other structure or planting more than two and one-half (2 1/2) feet in height above the surface of the road shall be erected or maintained within the triangular area formed by the two street sidelines and a straight line connecting points on such lines twenty-five (25') from the point of intersection. This requirement shall not apply to buildings in the GB and I and DB Districts.

6. Coverage.

The outdoor display of goods, except living plant material and roadside stands, shall be within the setback requirements of the applicable zoning district. For outdoor display of goods only, the minimum setback requirement shall be five (5) feet in the area between the rotary and Mulford Howes Lane along Main Street.

7. Projections.

Steps and stoops not exceeding thirty (30) square feet, eaves and cornices extending up to two (2) feet and fences less than six (6) feet in height are excluded from the setback requirements of this Bylaw. Covered steps and stoops are considered buildings and therefore are not permitted within the required setbacks.

8. Accessory Buildings and Structures.

All structures accessory to a residential use, if less than 100 square feet and not more than 12 feet in height, shall be at least six (6) feet from the property line. Buildings over 100 square feet in area, and swimming pools, tennis courts and their enclosures, shall meet the minimum setback requirements of Section 4, Table of Dimensional and Density Requirements.

9. Lots in More than One District.

Where a district boundary line divides a lot in existence at the time such line is adopted, each portion of the lot shall comply with the use and area requirements for the applicable zoning district. No area in a more restrictive district shall be counted toward the

requirements for a use allowed only in the less restrictive district. However, a lot so divided may be approved for a use permitted only in the less restrictive district by Special Permit from the Zoning Board of Appeals. In granting a Special Permit for this purpose, the Zoning Board of Appeals must find that the proposed use will not be detrimental to the established or future character of the neighborhood and the Town, and that it is in harmony with the purpose and intent of the Bylaw, considering the Special Permit decision criteria in Section 7 of this Bylaw. If approved, such use shall comply with the more stringent area requirements of the applicable zoning districts.

10. Water Runoff and Erosion Controls.

In all districts, if the Building Inspector determines that erosion controls are necessary, erosion controls adequate to prevent damage to a Conservancy District shall be required for any project, building or structure which will alter in any manner land within three hundred feet (300') of a Conservancy District. Erosion controls shall be adequate to prevent eroded material from entering, or siltation of wetlands within, a Conservancy District. Erosion control measures shall be taken prior to the commencement of work and shall remain in place until the disturbed areas have been stabilized permanently.

11. Roof Mechanicals and Chimneys

In all districts, the location and height of chimneys shall conform to the Massachusetts State Building Code, but shall otherwise be exempt from the height restrictions of this Bylaw. Further, all roof appurtenances and mechanicals required for the proper functioning of any building or structure shall not be subject to the height restrictions of this Bylaw but shall not exceed 12% of the total roof area and shall be screened and subject to site plan review, see Section 6(B)6.

C. TABLE OF DIMENSIONAL AND DENSITY REQUIREMENTS

The Table of Dimensional, Density and Intensity Requirements and the notes thereto are hereby made part of this Bylaw.

(For purposes of this draft, the table of dimensional controls is located at the end of the document.)

a. Notes to Table of Dimensional and Density Requirements

- 1) In Residential Districts when a building is erected on a corner of two streets, a setback of fifty (50) feet shall be required on one street and thirty feet on the other as determined by the Building Inspector.
- 2) Nonresidential buildings and structures permitted by the Zoning Board of Appeals under Section 5 of this Bylaw need not conform to the Conservancy District setbacks.
- 3) Stairs, steps and walkways used as access from the top of a bank to a beach or wetland need not conform to side or rear yard setback requirements; however, in no case shall the setback be less than three (3) feet.
- 4) Residential buildings and lots in existence prior to the existing front yard setback requirements shall be permitted to use the average of the building setbacks of the residential buildings immediately to each side; or in the case where one abutting lot to the side is vacant the front yard setback shall be permitted to be the average of the required front yard setback and the setback of the residential building abutting on the other side.
- 5) In Business and Industrial Districts when a lot is located on the corner of two streets, a setback of sixty (60) feet shall be required on one street and a setback of twenty (20) feet shall be required on the other as determined by the Building Inspector street.
- 6) Except along Route 137 (Meetinghouse Road), where the minimum frontage shall be one hundred feet (100').
- 7) Retaining walls which are needed to upgrade or replace existing substandard septic systems (as determined by the Board of Health), where no expansion of use is involved, shall not be required to conform to the setbacks set forth herein.
- 8) See Section 9; business or industrial lots which abut a residential zoning district on Route 137.
- 9) In the Business or Industrial Districts, the percentage of a lot reserved for open space shall be free of impervious surfaces but may be used for public utilities, sewer, water, drainage and landscaping. There shall be a landscaped buffer strip of not less than twenty-five feet (25') in width maintained on any business lot where it abuts a residential zone.

In the Industrial District, there shall be a building setback of not less than 50 feet (50') where it abuts any residential zone and Rt. 137 Meetinghouse Hill Road. Further, the initial twenty five (25') feet of the required building setback from the lot line shall be a landscaped buffer with plantings a minimum of eight feet (8') in height. The 25 foot landscaped buffer strip shall not be used for any purpose except plantings; the remaining portions of the required setback may be used for only for off-street parking, access roads or fire safety access lanes.

5. OVERLAY DISTRICTS

A. CONSERVANCY DISTRICTS

1. Purpose.

Conservancy Districts are overlay districts intended to:

- a. Preserve and maintain the ground water supply on which the inhabitants depend;
- b. Protect the purity of coastal and inland waters for the propagation of fish and shellfish and for recreational purposes;
- c. Protect persons and property from the hazards of flood and tidal waters which may result from unsuitable development in or near swamps, ponds, bogs and marshes, along water courses or in areas subject to flooding, extreme high tides and the rising sea level;
- d. Preserve the amenities of the Town and to conserve natural conditions, wildlife and open space for the education and general welfare of the public.

2. Location.

- a. The Coastal Conservancy Districts shall consist of all the submerged lands along the coast of Town, and areas subject to flooding including:
 - 1) Areas delineated as the 100-year flood plain (Zones A, AO, AH, A1-30, A99, V and V1-30 on the Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham dated July 20, 1998 or as most recently amended.)
 - 2) When a coastal bank exceeds the elevation of the relevant 100-year flood plain, the Coastal Conservancy District boundary shall be the top of the bank.
- b. The Inland Conservancy District shall consist of submerged lands in and under all ponds, wetlands as defined in Section 8 of this Bylaw, and those areas lying below two feet (2') above the Natural High Water Mark of any fresh water pond, lake or water course, including:
 - 1) Those areas identified by number with corresponding elevations for the water levels of the Inland Conservancy Districts as shown on maps filed in the Town Clerk's office, entitled "Conservancy Districts, Chatham, Massachusetts," as most recently amended.
 - 2) Any area not identified by number shall be established by topographic data, to be provided by the applicant, at the request of the Zoning Officer.
 - 3) When an inland bank of a pond, lake, or water course exceeds two feet (2') in height, the Inland Conservancy District boundary shall be the top of the bank.

3. Permitted Uses.

Notwithstanding any other provision of this Bylaw the following uses and activities are permitted in Conservancy Districts:

- a. Fishing, cultivation and harvesting of shellfish, worms for bait, and the excavation and construction of areas for the cultivation and harvesting of shellfish and other marine foods. Salt marsh haying, dune or marsh grass planting, and the manual harvesting (without use of machinery) of marine algae, Irish moss, wild shrub fruits and seeds.
- b. Outdoor recreation activities including, hiking, boating, trapping, hunting, fishing, horseback riding, skeet and trap shooting, and shooting preserves, provided any structures related thereto do not destroy the beneficial character of the conservancy district.
- c. The installation of floats, provided they are located below mean low water, or the Natural High Water Mark on fresh water ponds, and are permitted by the Harbormaster.
- d. The enlargement to minimum legal and practical width and the maintenance of raised roadways which exist on the effective date of this Bylaw.
- e. The installation, operation and maintenance of underground and overhead utilities limited to electrical, communication, sewer, potable water and gas lines, provided the surface vegetation is restored substantially to its original condition.
- f. The use or improvement of land or water for agricultural purposes provided, however, that any subsequent non-agricultural uses of land which was altered for agricultural purposes may be regulated, restricted or prohibited in accordance with any condition stated herein.
- g. The dredging of navigational channels or mooring basins by the Town, State or Federal government.
- h. The construction and maintenance of Town Landings, public boat launching ramps, public beaches, including beach nourishment of Town owned beaches and landings, except on salt marsh and land containing shellfish as identified by the Shellfish Warden and the Division of Marine Fisheries.
- i. Mosquito control as approved and carried out by the Cape Cod Mosquito Control Project.
- j. Maintenance dredging of existing private channels and marine facilities provided that such maintenance dredging shall not increase the scope of the original dredge project licensed under M.G.L. c.91.
- k. Expansion dredging of existing private channels or marine facilities with the approval of the Shellfish Warden, Conservation Commission, Division of Marine Fisheries, the Division of Waterways, and the U. S. Army Corps of Engineers. Said expansion

shall be accomplished without dredging in marsh areas or land containing shellfish as identified by the Shellfish Warden and the Division of Marine Fisheries.

- I. Beach nourishment except on salt marsh areas or productive shellfish tidal flats as identified by the Division of Marine Fisheries or the local Shellfish Department; dune nourishment; non-structural bank and dune stabilization; and coastal engineering structures which are otherwise approved under MGL c. 131 Sec. 40 and the Town of Chatham Wetlands Protection Bylaw, and not prohibited by a restriction filed in the Barnstable County Registry of Deeds pursuant to MGL c. 130 Sec. 105. (10/24/89 STM).

4. Uses Allowed by Special Permit.

Notwithstanding any other provision of this Bylaw, the following uses and activities in a Conservancy District are allowed only by Special Permit from the Planning Board.

- a. The construction of catwalks, piers, ramps, stairs, unpaved trails, boathouses, boat shelters, roadside stands, fences, wildlife management shelters, foot bridges, observation decks or shelters, tennis courts, and structures used in conjunction with a fishing use.
- b. Structures shall conform to the street setback and abutters setback for the district in which the lot is located, and shall be constructed so as to permit the reasonably unobstructed flow of water and preserve the natural contour of the area.
- c. Structures shall not exceed twenty feet (20') in height, except that a dwelling in existence prior to January 16, 1992, shall not be required to comply with the height limit of 20 feet when said dwelling is required by the Building Inspector to be elevated in accordance with FEMA regulations and no expansion is proposed.
- d. The construction of catwalks and piers is subject to Subsections 7 and 8 below.
- e. Construction of a structure or building used in conjunction with a marina or boatyard. Buildings shall conform to the street setback and abutters setback for the district in which the property is located.
- f. The construction and maintenance of a driveway or roadway of minimum legal and practical width where no alternative means of access from an established way is available. Plans for such construction shall be submitted to the Planning Board and Conservation Commission for referral prior to the Zoning Board of Appeals hearing. Such driveway or roadway shall be constructed in a manner which permits the unobstructed flow of water.
- g. The construction and maintenance of private boat launching ramps and beaches, except on marsh areas and land containing shellfish as identified by the Shellfish Warden and the Division of Marine Fisheries, providing that no natural vegetation is destroyed.
- h. The installation of submerged pipes or cables used for swimming pools or commercial fishing operations.

5. Prohibited Uses.

All activities, except those needed to accomplish the above permitted uses, shall be prohibited, including:

- a. No person shall fill, place or dump in a Conservancy District any soil, loam, peat, sand, gravel, rock or other material substance, refuse, trash, rubbish, debris or dredged material.
- b. No person shall drain, excavate or dredge in a conservancy district or remove therefrom loam, peat, sand, soil or other material substance.
- c. No person shall discharge hazardous substances, effluent from a sewage treatment facility, or thermal effluent from a power plant or other industrial source.
- d. No person shall construct a residential dwelling unit, or use a houseboat or barge designed or used as a dwelling unit in the Conservancy District.
- e. No person shall construct any building in Zones V and V1-30, as defined on the Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham, dated July 20, 1998, or as most recently amended.
- f. No person shall construct any pipeline designed to carry crude oil or unprocessed natural gas in the Conservancy District.
- g. No person shall perform any act or use said Conservancy District in a manner which would destroy the natural vegetation of the Conservancy District, substantially alter the existing patterns of tidal flow, or otherwise alter or permit the alteration of the natural beneficial character of the Conservancy District.
- h. No person shall remove or destroy natural growth essential to the prevention of erosion and storm damage.
- i. No person shall drain, dam or relocate any water course or other drainage works, except as incidental to aquaculture, or establish agricultural use, flood control, or mosquito control.

6. Procedures.

a. General Provisions

All uses and activities in Conservancy Districts shall comply with the general administrative procedures set forth in Section VII of this Bylaw. The Conservation Commission may also have separate jurisdiction over activities in Conservancy Districts pursuant to M.G.L. c.131, Section 40 and the Chatham Wetlands Protection Bylaw.

b. Special Permit Uses

The Planning Board shall act as the Special Permit Granting Authority in accordance with M.G.L. c.40A, Section 9 and Section VII of this Bylaw. However, any Special

Permit use in a Conservancy District shall be referred to the Conservation Commission for review and recommendation prior to the Planning Board hearing. In evaluating a Special Permit request, the Planning Board shall consider both the general purpose and intent of the Bylaw and the stated purposes of the Conservancy Districts.

7. Private Piers (Commercial and Residential).

- a. The Planning Board may authorize a Special Permit for the construction of a private pier if it is found that the proposed structure will not be detrimental to safety on waterways, preservation of water quality, ease of access to and on waterways, equity of interest in utilizing waterways, the protection of the natural environment, and the protection of the aesthetic values of the Town. The Planning Board shall consider, in assessing the potential impact of a proposed pier or pier extension, the distance of the pier and its approach area from designated or customary navigation channels, from designated or customary mooring areas, from areas traditionally used for sailing, and from public swimming areas. The Planning Board shall also consider whether the proposed pier or pier extension is consistent with locally adopted plans, including the comprehensive plan, any applicable harbor plan, and any applicable resource management plan.
- b. The construction of private piers or the extension of existing piers shall be specifically prohibited in the following locations:
 - 1) In Pleasant Bay from the Town Line at Jackknife Harbor to the southerly property line of 4 Minister's Lane, including Crows Pond, Ryders Cove, Frost Fish Creek, and Bassing Harbor; and
 - 2) In Chatham Harbor from the southerly property line of 4 Minister's Lane to Cow Yard Landing.
- c. Maintenance of existing piers in the above locations is permitted, provided that no work is done beyond the existing licensed footprint.
- d. All applications for new piers shall be referred to the Chatham Harbormaster for written comment on the potential impact of the proposed pier or pier extension on existing, customary or planned boating channels or mooring areas, to the Shellfish Warden for written comment on the potential impact of the proposed pier or pier extension on shellfish beds or shellfish habitat, and to the Conservation Commission for written comment on, at a minimum, the potential impact of a pier or pier extension on fish runs, marine and shoreline ecology, marsh, and eel grass beds. In addition, all new residential piers shall comply with the following requirements:
 - 1) Location
 - (a) No new pier or float system shall be located closer at any point than 25 feet to a property line, except, for a pier jointly owned and used by two or more contiguous shorefront properties, the 25-foot setback shall be measured from the outermost property lines of the applicable properties.

- (b) No new pier or float system shall be located closer at any point than 250 feet to another pier.
- (c) No new pier shall be located closer at any point than 150 feet to a boat ramp.
- (d) No new pier or float system shall be located closer at any point than 100 feet to a public swimming area.

2) Construction

All private residential piers shall be temporary structures for seasonal use. Permanent piers shall not be permitted.

3) Size

- (a) No pier shall exceed eighty feet (80') in overall length (including stairs, ramps and floats) measured from the Mean High Water (MHW) line.
- (b) No stairs, pier or ramp shall exceed four feet (4') in width, measured outside the support structure (pilings, posts, railings).
- (c) The total area of any and all floats associated with a pier shall not exceed three hundred (300) square feet, except a greater total area may be allowed for a pier jointly owned and used by two or more contiguous shorefront properties, and there shall be no floats above the Mean Low Water (MLW).
- (d) The height of the deck (walkway) shall not exceed four feet (4') above Mean High Water (MHW) unless in the interest of preserving marsh growth, a greater height is required; in which case the height above the marsh shall not exceed 1.5 times the width of the dock.

4) Depth of Water

At Mean Low Water (MLW) there shall be, without benefit of dredging, at least two and a half feet (2 ½ feet) of water at the end of the pier and/or float system.

5) Access

At all normal levels of the tide, alongshore pedestrian passage shall be provided. A flight of stairs on each side of the pier may be provided for this purpose.

6) Pre-Existing Structures and Uses

- (a) Pre-existing nonconforming structures and uses in a Conservancy District shall be subject to the nonconforming use provisions of Section 2D of this Bylaw. Any alterations or expansions of pre-existing conforming structures and uses shall comply with the Conservancy District regulations set forth

herein, including the specific locations where extensions of existing piers are prohibited. This prohibition shall not apply to a commercial boating facility with a Chapter 91 license in existence as of November 21, 1998.

- (b) Any expansion or enlargement of a pre-existing nonconforming pier shall satisfy the criteria set forth in the first paragraph of Section (a) above and the Zoning Board of Appeals shall, in the granting or denial of any Special Permit to extend or enlarge such a pier, make findings of fact on all criteria in assessing the impact on the neighborhood.
- (c) Notwithstanding the above, nonconforming private piers may be extended seaward with a Special Permit from the Zoning Board of Appeals to minimum length required to gain the required depth of water described in subsection (c)(3) above, provided said length does not exceed 80 feet measured from the Mean High Water (MHW) line.

8. Catwalks.

- a. The Planning Board may authorize a Special Permit for the construction of a catwalk if it is found that the proposed structure will not be detrimental to safety on waterways, preservation of water quality, ease of access to waterways, equity of interest in utilizing waterways, and the protection of the aesthetic values of the Town. In addition, all new catwalks shall comply with the requirements listed below.

- b. Construction

Catwalks shall have no more than one (1) handrail.

- c. Size

- 1) The height shall not exceed the lowest elevation allowed by current Wetland Regulations (State and Town). The Conservation Commission shall state this maximum allowable height in their recommendation to the Zoning Board of Appeals.

- 2) No catwalk shall exceed three (3) feet in width.

- d. Length

Catwalks shall not extend beyond the most seaward point of the salt or fresh meadow, marsh, etc.; beyond Mean High Water (MHW); or beyond the point where a horizontal plane two (2) feet above the Natural High Water Mark of a fresh water body intersects the landform.

B. FLOOD PLAIN DISTRICT

1. Purpose.

The purposes of the Flood Plain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain.

2. Applicability.

This Section applies to all areas within the Flood Plain District, which is herein established as an overlay district. The District includes all special flood hazard areas designated on the Flood Insurance Rate Maps (FIRM) for the Town of Chatham dated June 20, 1998 (or as most recently amended) as Zones A, AE, AH, AO, A1-30, A99, V and V1-30. These maps, as well as the accompanying Town of Chatham Flood Insurance Study are incorporated herein by reference and are on file with the Planning Board, Town Clerk and the Building Inspector.

3. Development Regulations.

New construction or substantial improvement of residential structures shall have the lowest floor (including basement) elevated to not less than one (1) foot above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Administration.

a. Building Inspector

- 1) The Building Inspector shall review all proposed development within the flood district to assure that all necessary permits have been received from those government agencies from which approval is required by Federal or State law.
- 2) The Building Inspector shall obtain and maintain records of elevation and flood-proofing levels for new construction or substantial improvement within the flood district.

b. Planning Board

- 1) The Planning Board may only grant a Special Permit for exceptions to subsection 3 above consistent with the following requirements:
 - (a) A showing of good and sufficient cause; and
 - (b) A determination that failure to grant the special permit would result in exceptional hardship to the applicant; and

- (c) A determination that granting a Special Permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws; and
 - (d) A determination that the special permit is the minimum necessary, considering the flood hazard, to afford relief.
- 2) A Special Permit shall not be issued within any designated regulatory flood way if any increase in flood levels during the base flood discharge would result.

C. WATER RESOURCE PROTECTION DISTRICT

1. Purpose.

The purpose of the Water Resources Protection District (WRPD) is:

- a. To promote the health, safety, and general welfare of the community by ensuring an adequate quantity and acceptable quality of drinking water for the residents, institutions, and businesses of the Town of Chatham.
- b. To preserve and protect existing and potential sources of drinking water supplies:
- c. To conserve the natural resources of the Town; and
- d. To prevent temporary and permanent contamination of the environment.

2. Definitions.

- a. Impervious: Any material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.
- b. Zone I: The protective radius around a public water supply well or well field that must be owned by the water supplier, or controlled through recorded conservation restriction. In most cases, it is a 400 foot radius around the well (less for wells pumping less than 100,000 gallons per day (gpd)).
- c. Zone II: The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined by 310 CMR 22.00 and as approved by the Massachusetts Department of Environmental Protection (DEP).

3. Applicability; District Locations.

- a. The Water Resource Protection District (WRPD) shall encompass specifically designated Zone I and Zone II recharge areas (as defined above) for the municipal wells of the Town of Chatham and Harwich and professionally estimated Zone I and Zone II recharge areas to potential future municipal wells of the Towns of Chatham

and Harwich. The WRPD shall also include the entire area of any lots intersected by the Zone II boundaries; except in the industrial zoning districts, the WRPD shall include lots located in the two hundred (200) foot Zone II buffer for existing wells. The WRPD is shown on the Water Resource Protection Overlay District Map dated March 1, 1996.

- b. The regulations for this overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Activities or uses which are permitted in the underlying zoning districts which fall within the WRPD must additionally comply with the requirements of the WRPD. Uses that are prohibited in the underlying zoning districts shall not be permitted in the overlaying portions of the WRPD.

4. Permitted Uses.

Any use permitted in the underlying zoning district shall be permitted, except for those uses specifically prohibited in section C.5 below.

5. Prohibited Uses.

The following uses are prohibited within the WRPD. State and federal laws cited are those that were in effect at the time this amendment was adopted and any revisions made thereto subsequent to adoption:

- a. Landfills and open dumps as defined in applicable state regulations, except for areas approved for the disposal of brush and stumps;
- b. Gasoline stations, fuel companies, and any other establishments that store liquid petroleum products, except the following:
 - 1) Normal household use including heating;
 - 2) Waste oil retention facilities required by statute, rule, or regulation;
 - 3) Storage of small quantities of liquid petroleum products incidental to commercial, industrial, and municipal uses, including the heating of structures;
 - 4) Emergency generators required by statute, rule, or regulation;

Provided that such storage, listed in items 1 through 4 above, complies with 527 CMR 4.00 and 9.00 as applicable; however, replacement of existing tanks or systems for keeping, dispensing, or storing gasoline is allowed if consistent with State and Town regulations;

- 5) Landfills for sludge and septage;
- 6) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 32.31;
- 7) Wastewater treatment systems that do not comply with Board of Health requirements for WRPD;

- 8) Storage of deicing chemicals unless such storage, including loading areas, is within a covered structure designed to prevent the generation and escape of contaminated runoff or leachate;
- 9) Storage of animal manure unless covered or contained in accordance with the Best Management Practices (BMPs) of the United States Natural Resource Conservation Service;
- 10) Earth removal, consisting of removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 6 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except as approved as part of a Corrective Action in a DEP approved Waste Site Clean-up or for approved agricultural operations;
- 11) Facilities that generate, treat, store, or dispose of toxic or hazardous materials or waste, except those in compliance with Board of Health regulations or, after review, the Board of Health determines that the facility is one of the following:
 - (a) Very small quantity generators (VSQGs) as defined under 310 CMR 30.000;
 - (b) Household hazardous waste centers and events under 310 CMR 30.390;
 - (c) Waste water retention facilities required by M.G.L. c.21, Section 52A;
 - (d) Water remediation treatment works approved by the DEP for the treatment of contaminated ground or surface waters;
- 12) Automobile graveyards and junkyards, as defined in M.G.L. c.140B, Section 1;
- 13) Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the WRPD;
- 14) The use of chloride (NaCl) for ice and snow control on public and/or private road surfaces and parking areas in any salt to sand ratio greater than the minimum required for public safety;
- 15) Enlargement or expansion of existing uses which do not conform the WRPD regulations; of any accessory use which does not conform to the WRPD regulations; or a change of use to another use which does not conform to these regulations. Other provisions of this bylaw notwithstanding, a change of use to any of the prohibited uses listed in the WRPD regulations is specifically prohibited;
- 16) Any construction on or alteration to a commercial or industrial site, including paving, which will result in an increase of impervious surface, unless approved by the Planning Board through the Site Plan Review process. Runoff from impervious roof surfaces shall be infiltrated on site. Runoff from traveled ways and parking areas shall be collected and petroleum products removed using

Best Management Practices (BMPs) prior to infiltration on-site. On sites where the proposed improvements exceed fifty percent (50%) of the assessed value of the property as determined by the Zoning Enforcement Officer, or where repaving is proposed, the Planning Board may also require treatment for storm water from existing impervious areas. All treatment facilities shall be permanently maintained in full working order by the owners(s);

- 17) On-site disposal of process wastewater as defined in 310 CMR 15.004 except in agricultural operations;
- 18) The dumping or disposal on the ground, in water bodies, or in septic systems of any toxic or hazardous chemical, including but not limited to septic system cleaners.
- 19) Any increase in impervious surface on a residential lot whichever will result in impervious surfaces covering more than fifteen percent (15%) or twenty-five hundred (2,500) square feet on any lot, which is greater, unless artificial drainage, such as leaching drywells, are provided.

6. DEVELOPMENT REGULATIONS

A. LAND CLEARING AND GRADING

1. Purposes and Intent.

The purposes of these Land Clearing and Grading regulations are to:

- a. Protect the health, safety and property of residents of the Town of Chatham by regulating clearing and grading activities associated with land development, preserving existing trees and vegetation, preventing erosion and sedimentation of wetlands, ponds and other waterbodies, controlling stormwater runoff, minimizing fragmentation of wildlife habitat and loss of vegetation;
- b. Limit land clearing and alteration of natural topography prior to development review;
- c. Protect specimen trees and significant forest communities from damage or removal during site development;
- d. Protect water quality of adjacent wetlands and surface water bodies;
- e. Encourage the use of Best Management Practices that prevent and reduce non-point source of pollutants;
- f. Encourage land development and site planning practices that preserve the Town's scenic features without preventing the reasonable development of land;
- g. Protect archaeological and/or historic resources.

2. Definitions.

In this Section, the following terms shall have the meanings indicated below (see Section 8 of this Bylaw for additional definitions):

- a. Applicant: Any person proposing to engage in or engaged in any non-exempt clearing of trees or under-story vegetation or grading within the Town.
- b. Best Management Practices (BMPs): A structural, nonstructural, or managerial technique recognized to be the most effective and practical means to prevent and reduce nonpoint source pollutants. BMPs should be compatible with the productive use of the resource to which they are applied, and should be cost-effective.
- c. Caliper: American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be taken 6 inches above the ground up to and including 4-inch caliper tree, and 12 inches above the ground for larger sizes.

- d. Certified Arborist: A professional who possesses the technical competence through experience and related training to provide for or supervise the maintenance of trees and other woody plants in the residential, commercial, and public landscape.
- e. Clearing: Removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavating, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.
- f. Dripline: An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.
- g. Essential Root Zone: An area located on the ground between the tree trunk and 10 feet beyond the drip-line of a tree which is required for protection of a tree's root system.
- h. Diameter/Diameter-Breast-Height (dbh): The diameter of any tree trunk, measured at 4.5 feet above existing grade.
- i. Filling: The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.
- j. Grading: Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.
- k. Hazardous Tree: A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property.
- l. Landscape Architect: A person licensed by the Commonwealth of Massachusetts to engage in the practice of landscape architecture.
- m. Protected Tree/Vegetation: A tree or an area of understory vegetation identified on an approved landscape plan to be retained and protected during construction.
- n. Specimen Tree: A native, introduced or naturalized tree that is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6 inches or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing are eligible to be considered specimen trees with a dbh of 4 inches or larger.
- o. Significant Forest Community: Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat patches.

- p. Site Alteration Special Permit: A Special Permit issued by the Planning Board authorizing land clearing and grading activities in the Town.
- q. Understory Vegetation: Small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of trees.

3. Applicability.

The Special Permit Granting Authority for a Site Alteration Special Permit under this Bylaw shall be the Planning Board. No person shall undertake clearing or grading activities of an area greater than 10,000 square feet without first obtaining a Site Alteration Special Permit from the Planning Board, unless specifically exempted under Subsection 4 below.

4. Exemptions.

The provisions of this Section shall not apply to the following activities:

- a. Agricultural uses exempt under M.G.L. c.40A, Section 3.
- b. Clearing and grading in conjunction with construction of structures intended for residential habitation if the land area to be cleared or graded is less than 10,000 square feet;
- c. Removal of hazardous trees, as defined herein;
- d. Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines, or invasive species, or to remedy a potential fire or health hazard or threat to public safety;
- e. Construction and maintenance of public and private streets and utilities within Town-approved roadway layouts and recorded easements;
- f. Construction of roadways, associated infrastructure and related slope and view easements for subdivisions shown on a definitive plan approved and endorsed by the Planning Board in accordance with the Town of Chatham Subdivision Rules and Regulations; and
- g. Construction or installation of public utilities.
- h. Conservation land management, invasive species management or habitat improvement by the Town or other conservation land holders similar but not limited to the Chatham Conservation Foundation or the Massachusetts Audubon Society.

5. Review and Decision.

Upon receipt of a completed application and required plans as described in Section 6 below, the Planning Board shall transmit one copy each to the Building Inspector, Department of Public Works, Conservation Commission, Board of Health, Water Superintendent, Department of Health and Environment, and Fire Department. Within 35

days of receipt of completed application/plans, these agencies shall submit recommendations to the Planning Board. The Planning Board shall act on applications according to the procedure specified in M.G. L. c. 40A, Section 9 and Section 7 of this Bylaw.

6. Application Requirements.

The Planning Board may require the submission of some or all of the information listed below. The Board's determination will be made in relation to the extent of clearing proposed by the applicant.

- a. Survey of existing vegetation conducted by an individual qualified through appropriate academic credentials and field experience. A statement of credentials should be submitted with the survey.
 - 1) Major upland vegetational communities located on the site, including trees, shrub layer, ground cover and herbaceous vegetation;
 - 2) Size and height of trees, noting specimen trees and/or forest communities; and
 - 3) Location of any rare and endangered species as identified by the Massachusetts Natural Heritage and Endangered Species Program (NHESP).
- b. Submission of a locus map at a scale of 1" = 500' showing the proposed site in relation to the surrounding area.
- c. Submission of a plan at a scale of 1" = 40' of the project site showing existing and proposed contour lines at intervals of not more than 2 feet prepared by a registered land surveyor or a professional engineer.
- d. Soil survey or soil logs indicating predominant soil types on the project site, including information on erosion potential from the U.S. Department of Agriculture Natural Resources Conservation Service.
- e. Delineation of all bodies of water, including wetlands, vernal pools, streams, ponds, and coastal waters within 100 feet of the project site/limit of work and delineation of the 100-year floodplain.
- f. Submission of a plan at a scale of 1" = 40' indicating the limit of work. The limit of work shall include all building, parking, and vehicular use areas, and any grading associated with the proposed development. The plan or accompanying narrative shall document the species and quantities of specimen trees and/or other vegetation to be removed or relocated within the project area.
- g. Construction schedule that describes the timing of vegetation removal, transplanting or replacement in relation to other construction activities.
- h. Plans and/or description of Best Management Practices to be employed in development of the project site.

- i. Submission of an erosion and sedimentation control plan at a scale of 1" = 40'. This plan shall include BMPs for erosion and sediment control (vegetative and/or structural) to prevent surface water from eroding cut and fill side slopes, road shoulders and other areas and measures to avoid sedimentation of nearby wetlands and ponds. The following information shall be submitted on erosion control and sedimentation plans submitted with the project application:
 - 1) Plans and details of any sediment and erosion control structure drawn at a scale of 1" = 40';
 - 2) Spillway designs showing calculations and profiles;
 - 3) Notes and construction specifications;
 - 4) Type of sediment trap;
 - 5) Drainage area to any sediment trap;
 - 6) Volume of storage required;
 - 7) Outlet length or pipe sizes; and
 - 8) A description of the sequence of construction activities that specifies the timeframe for soil stabilization and completion and any necessary winter stabilization measures.

7. Review Standards.

The applicant shall demonstrate compliance with the following standards in the clearing or grading of the site:

- a. Minimize site alteration and land clearing: site/building design shall preserve natural topography outside the development footprint to reduce unnecessary land disturbance and to preserve natural drainage channels on the site.
- b. Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utility installation should be utilized wherever feasible to protect root systems of trees.
- c. Minimize the impact on hilltops and/or scenic views within the Town of Chatham: Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.
- d. Protect wildlife habitat: Sites identified as being located on the Natural Heritage and Endangered Species (NHESP) Priority Habitat Map or BioMap Core Habitat Map shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

- e. Avoid impacts to archaeological resources: Applicants shall consult with the Massachusetts Historical Commission (MHC) regarding the potential for archaeological or historical resources on the site, and submit evidence of the same to the Planning Board.
- f. Preserve open space and specimen trees on the site: In the design of a development, priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.
- g. Understory vegetation beneath the dripline of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.
- h. Forested areas shall be preserved to the maximum extent possible when found within the following areas:
 - 1) Wetlands, waterbodies and associated buffers, as defined in Section 37 of the Chatham General Bylaws;
 - 2) Critical wildlife habitat areas, as designated by NHESP; and
 - 3) Slopes over 25%.
- i. Minimize cut and fill in site development:
 - 1) Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading;
 - 2) Other efforts to minimize the clearing and grading on a site associated with construction activities shall be employed, such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, etc. in areas already planned for permanent structures. Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers;
 - 3) Finished grades should be limited to no greater than a 2:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible;
- j. Employ proper site management techniques during construction:
 - 1) BMPs shall be employed to avoid detrimental impacts to existing vegetation, soil compaction, and damage to root systems, and

- 2) The extent of a site exposed at any one time shall be limited through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas;
- k. Protect the site during construction through adequate erosion and sedimentation controls:
- 1) Temporary or permanent diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as are necessary may be required by the Planning Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed to BMPs such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 2:1.
 - 2) Erosion and sedimentation controls shall be constructed in accordance with the most current edition of the Department of Environmental Protection's Erosion and Sediment Control Guidelines for Urban and Suburban Areas.
 - 3) Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.
 - 4) Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 2:1 or exceed 10 feet in height. During the months of October through March, when seeding and sodding may be impractical, anchored mulch may be applied at the Planning Board's discretion.
 - 5) Runoff from impervious surfaces shall be recharged on the site by stormwater infiltration basins, vegetated swales, constructed wetlands or similar systems covered with natural vegetation. Runoff shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only where other methods are not feasible. All such basins and wells shall be preceded by oil, grease, and sediment traps. The inlets of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.
 - 6) The applicant shall be subject to weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after severe storm events.
- l. Revegetate the site immediately after grading:
- 1) Proper revegetation techniques shall be employed using native plant species, proper seedbed preparation, fertilizer and mulching to protect germinating

plants. Revegetation shall occur on cleared sites within 7 (seven) calendar days of final grading.

- 2) A minimum of six inches of topsoil shall be placed on all disturbed surfaces that are proposed to be planted.
- 3) Finished grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of six inches or more at the base of the tree is proposed, a retaining wall or tree well may be required.

8. Required Security.

- a. The Planning Board shall require a performance guarantee in a form acceptable to the Town to cover the costs associated with compliance with this Bylaw under a Site Alteration Special Permit.
- b. The required performance guarantee in the amount of 125% of the cost of site restoration shall be posted prior to the issuance of a Site Alteration Special Permit for the proposed project.
- c. The performance guarantee shall be held for the duration of any prescribed maintenance period required by the Planning Board, and may be reduced from time to time to reflect completed work. Securities shall not be fully released without a final inspection and approval of vegetation replacement by the Town.

9. Monitoring and Inspections.

- a. Prior to commencement of construction, the applicant, land owner, contractor and construction crew, Director of the Department of Public Works, Zoning Enforcement Officer or their designee and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections.
- b. Initial site inspection of erosion and sedimentation controls and placement of tree protection measures shall occur after installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, but before any clearing or grading has begun.
- c. Routine inspections of preserved areas and erosion and sedimentation controls shall be made at varying intervals depending on the extent of site alteration and frequency and intensity of rainfall.
- d. Effective stabilization of revegetated areas must be approved by the Town before erosion and sedimentation controls are removed. The Town shall complete an inspection prior to removal of temporary erosion and sedimentation controls.

10. Enforcement.

- a. The Town of Chatham may take any or all of the enforcement actions prescribed in this Bylaw to ensure compliance with, and/or remedy a violation of this Bylaw; and/or when immediate danger exists to the public or adjacent property, as determined by

the Zoning Enforcement Officer. In carrying out any necessary enforcement actions, the Town may use securities described in Section 8 above.

- b. The Zoning Enforcement Officer may post the site with a Stop Work order directing that all vegetation clearing not authorized under a Site Alteration Permit cease immediately. The issuance of a Stop Work order may include remediation or other requirements that must be met before clearing activities may resume.
- c. The Town may, after written notice is provided to the applicant, or after the site has been posted with a Stop Work order, suspend or revoke any Site Alteration Special Permit issued by the Planning Board.
- d. No person shall continue clearing in an area covered by a Stop Work order, or during the suspension or revocation of a Site Alteration Special Permit, except work prescribed by the Town to correct an imminent public safety or public health hazard.

B. SITE PLAN REVIEW

1. Purposes and Intent.

The purposes of Site Plan Review are to promote public health, safety and welfare by encouraging the laying out of parking, circulation, and buildings in a safe and convenient manner, to ensure that developments are designed to protect and enhance the quality of life in the Town, to minimize adverse effects on surrounding areas, and to provide for an adequate review of developments that may have significant impacts on traffic, drainage, town services, environmental quality and community character.

2. Applicability.

- a. Except for single-family or two-family uses, all proposals for any of the following uses or activities are subject to Site Plan Review by the Planning Board:
 - 1) New commercial, industrial or multi-family development and all additions, alterations or reconstruction of existing development exceeding 400 square feet of gross floor area;
 - 2) Any development requiring a total of three (3) or more additional off street parking spaces;
 - 3) Construction or creation of any new parking lot or the expansion, or redesign of an existing parking lot used or to be used for non-residential purposes;
 - 4) Open Space-Residential Development;
 - 5) All uses requiring a Special Permit;
 - 6) Municipal or exempt institutional uses; or
 - 7) Removal or disturbance of existing vegetative ground cover from more than 10,000 square feet of site area, unless incidental to earth removal authorized

by Section 23005 of the Chatham General Bylaws or carried out as part of an exempt agricultural use, or carried out under a Site Alteration Special Permit pursuant to Section 6(A) of this Bylaw.

- b. No building permit shall be issued for any development subject to this Section, and no construction or site preparation shall be started, unless a Site Plan has been approved for it by the Planning Board, except as provided under Section 6(C).
- c. No occupancy permit shall be issued for any building subject to this Section unless such building and all its related facilities have been completed according to the approved Site Plan. No occupancy subject to site plan approval shall be conducted on the site unless, in the opinion of the Building Inspector, the development or approved phase thereof has been substantially completed according to the approved Site Plan, and unless the proposed activity was reviewed and approved by the Planning Board during the Site Plan Review process.
- d. Approval of a Site Plan under this section shall not substitute for the requirement of obtaining a Special Permit or other approvals as required by the Zoning Bylaw or other applicable bylaws or statutes. For any use requiring both Site Plan Review and a Site Alteration Special Permit under Section 6(A), Site Plan Review shall be conducted concurrently with the procedures for a Site Alteration Special Permit.

3. Procedures.

- a. Applicants are encouraged to meet with the Town Planner prior to submitting an application for Site Plan Review with the Planning Board.
- b. A Site Plan application shall be submitted to the Town Planner, who shall forthwith make a determination of whether the materials are complete, and if they are not, shall so notify the Applicant, the Building Inspector and the Planning Board. Prior to filing a Site Plan application package with the Planning Board, which shall consist of eleven (11) copies of all submittal requirements listed in Section 5, the Applicant shall distribute one copy of the application package to each of the following town boards or departments: Central Permitting Coordinator, Building Inspector, Department of Public Works, Conservation Commission, Board of Health, Water Superintendent, Fire Department and Traffic Study Committee. For development on land in the Historic Business District, one copy of the Site Plan application package shall also be submitted to the Historic Business District Commission. Certification that a copy of the application package was delivered to each office shall be included in the Site Plan application submitted to the Planning Board.
- c. The Applicant shall attend a pre-hearing discussion at a regular public meeting of the Planning Board no later than 35 days after submitting a complete Site Plan, and a public hearing no later than 49 days after submitting a complete Site Plan application. The notice, posting, and publication of the public hearing shall be in accordance with the provisions of M.G.L. c.40A, Section 11, and the Planning Board's regulations and procedures. All mailing costs shall be borne by the applicant.

- d. Boards and departments provided with a copy of the Site Plan application shall report their comments to the Planning Board no later than the time of the public hearing.
- e. The Planning Board may continue the public hearing as necessary within a 90-day review period in order to consider the Site Plan application. Unless the Applicant agrees in writing to extend the review period, the Planning Board shall provide conditions if any, in writing, to the Building Inspector within 90 days of the date of submission.
- f. If no action is taken within 90 days of the date of submission, the Site Plan application shall be deemed approved. In this case, the Building Inspector shall issue a Certificate of Constructive Approval and file such Certificate with the Town Clerk within 15 days of the Planning Board's failure to act. Appeals to the Certificate of Constructive Approval may be filed within 30 days of the date the decision was filed with the Town Clerk, as provided in M.G.L., c.40A, Sections 8 and 15. Upon expiration of the statutory appeal period without appeal, and subject to receipt of the required approvals from any other board, commission or agency, the Building Inspector may issue a building permit provided that all other applicable requirements of the Chatham Zoning Bylaw and the Chatham General Bylaws have been met.
- g. One copy of the approved Site Plan shall be provided each to the applicant, the Building Inspector, the Highway and Water Departments, Police and Fire Departments, the Conservation Commission and the Board of Health. One copy of the approved Site Plan shall remain in the records of the Planning Board. In addition, one copy shall be provided to the Historic Business District Commission for any approved Site Plan involving land in the Historic Business District.

4. Submittal Requirements.

A Site Plan Review application package shall include the following materials unless the Planning Board agrees in writing, prior to submittal, to waive any materials not relevant to a proposed development.

- a. Site plan contents. The site plan shall include one or more appropriately scaled maps or drawings of the property, stamped by a Massachusetts Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, except that the water and sewer portion of the Site Plan must be stamped by a Registered Professional Engineer. At minimum, a Site Plan submittal shall include:
 - 1) Scale, elevations and locus map. The site plan shall be at a scale not to exceed one inch equals forty feet (1"=40') or such other scale as the Planning Board may allow to adequately show detail. Profiles of each individual street or service road shall be provided at a vertical scale not to exceed one inch equals four feet (1"=4'). Elevations shall refer to the bench mark or datum utilized. Sheet size shall be thirty by forty-two (30 x 42) inches including a one-inch border. If additional sheets are required to show the scope of the project, match lines shall be provided on each sheet, along with a key plan showing

the entire development on a smaller scale. All plans shall be accompanied by a locus map at one (1) inch equals two thousand (2,000) feet.

- 2) A narrative describing the nature and location of the project and the site, including a legal description of the property; complete dimensions and area; the zoning classification(s) that apply to the property; assessor's map and lot numbers; the proposed building or addition size with a breakdown of proposed use(s); calculation of existing and proposed lot coverage; a description of measures the applicant proposes to prevent soil erosion and storm water runoff during construction; estimated cost of all site improvements; projected public water demand, if any; projected number of employees, hours of operation and description of shifts, where applicable; projected parking spaces required for the development, based on proposed use(s) or number of employees, as applicable; the name and address of the property owner and the applicant, if different from the property owner, evidence of site control such as a deed, purchase and sales agreement, or lease, and evidence of the owner's authorization for the applicant to discuss proposed plans for the property with the Planning Board; a description of the applicant's plans for ongoing site maintenance following project completion; and a discussion of how the proposed development conforms to the Chatham Comprehensive Plan.

The names and addresses of all abutting property owners within 300 feet, certified by the Board of Assessors, on a form prescribed by the Planning Board, and evidence of abutter notification by certified mail, return receipt requested, in accordance with the Planning Board's rules and regulations.

- 3) A Site Plan that contains:
 - (a) A title block showing the name of the site, the date, scale, name(s) of the owner(s) and the signature and seal of the Registered Professional Engineer, Architect or Landscape Architect.
 - (b) Signature line(s) for the Planning Board.
 - (c) North arrow and benchmarks used.
 - (d) Parcel lot lines for the proposed project and surrounding parcels.
 - (e) Location, footprint, height and use of all existing and proposed buildings or structures, total area of buildings in square feet, streets, ways, drives, driveway openings within 50 feet of the site boundaries.
 - (f) Proposed surface treatment of paved areas and the location and design of drainage systems with drainage calculations prepared by a registered professional engineer.
 - (g) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other disposal methods, noting applicable approvals, if received.

- (h) Existing and proposed topographical contours of the property, taken at a minimum contour interval of two feet by a registered professional engineer or registered land surveyor; further, the finished floor elevations and spot elevations at the corners of the proposed building(s).
- (i) Vegetation, indicating areas of retained vegetation, the location of any trees of more than eight inches in diameter and specimen trees of more than six inches in diameter, both measured as six inches from grade, including trees located in the road right of way, and other unique natural features.
- (j) The location of wetlands and other areas subject to control under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, Section 40, and Chapter 37, Chatham Wetlands Protection Bylaw, or any successor statutes and bylaws thereto, including regulatory buffer zones or setbacks from resource areas, identified through field survey acceptable to the Conservation Commission; Flood Plain and Floodway boundaries; and erosion control measures.
- (k) Location of all water resource protection areas, if any portion of the site is within 1,000 feet of a DEP Zone II, interim wellhead protection area or any surface water protection zone.
- (l) Location of the site in relation to any Areas of Critical Environmental Concern (ACEC) designated by the Commonwealth of Massachusetts, Executive Office of Environmental Affairs.
- (m) Location of any Priority Habitat Areas on the site, as identified by the Natural Heritage and Endangered Species Program (NHESP);
- (n) Location and description of Best Management Practices (BMPs) to be employed in development of the site.
- (o) Lighting plan showing the location, height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to reduce glare onto adjoining properties.
- (p) Landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps, paths and other walkways and or sidewalks; provided. Further, for developments subject to review by the Historic Business District Commission (HBDC), the landscaping plan shall be submitted to the HBDC for comments and recommendations.
- (q) Location and description of all proposed open space.
- (r) Location, height and size of all proposed signage, are to be reviewed in the context of vehicular and pedestrian safety.

- (s) Additional information that may be required by the Planning Board, as reasonably necessary, to make determinations required by this Bylaw.
 - (t) A table of information showing how the plan conforms to the Zoning Bylaw.
 - (u) The applicant shall provide existing and proposed architectural elevations for new construction, additions or alterations in the Industrial District or for multi-family dwellings.
- 4) Analysis of environmental impacts. The Applicant shall submit an analysis of existing and expected post-development environmental conditions, including but not limited to low-impact development measures to prevent non-point pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties; measures to protect air quality, minimize noise levels, prevent harmful or noxious emissions, and damage or threat to wetlands and flood plain, and the visual environment. Potential smoke, odors, vibration and electromagnetic radiation shall be identified and addressed. Waste disposal and off-site environmental drainage impacts shall be discussed.
 - 5) Analysis of traffic impacts. The Applicant shall submit estimated average daily traffic and peak hour traffic to be generated by the development. A traffic impact plan shall be required indicating impacts, if any, to surrounding intersections servicing the project site if the proposed development generates more than 250 vehicle trips per day as determined by the most current edition of the Trip Generation Manual published by the Institute of Traffic Engineers (ITE). The Planning Board may, in its discretion, require the Applicant to prepare a traffic study.
 - 6) The Site Plan filing fee as determined by the Planning Board's regulations.

5. Site Plan Review Criteria.

The Planning Board shall approve a Site Plan, with or without conditions, only upon finding that:

- a. The proposed development:
 - 1) Complies with the Chatham Zoning Bylaw, as applicable;
 - 2) Provides for convenience and safety of vehicular and pedestrian movement within the site and exiting from it, such as by the location of driveway openings in relation to traffic and/or adjacent streets and the placement, height and size of signage and plantings;
 - 3) Provides adequate entrance and egress to each building or structure for fire and service equipment;
 - 4) Provides an efficient and functional arrangement of buildings, lighting and signs by virtue of their location and size in relation to each other;

- 5) Provides a visual and/or noise buffer between the applicant's property and adjoining land, considering the adequacy, type and arrangement of trees, shrubs and other landscaping, including maximum retention of existing vegetation, provided, however, that for developments subject to review by the HBDC, the landscaping plan shall be in accordance with Section XIII of the Rules and Regulations of the Commission;
 - 6) Protects adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
 - 7) Meets the Off-Street Parking and Loading requirements of the Zoning Bylaw in a manner that reduces the visual intrusion of parking areas viewed from public ways or abutting premises;
 - 8) Comports with the purposes of the Chatham Comprehensive Plan;
 - 9) Protects and enhances significant features of the site, natural or man-made;
 - 10) Protects adjoining premises by providing adequate surface water drainage; and
 - 11) Will not create a nuisance of noise, odor, smoke, vibration, traffic generated, unsightliness or other conditions detrimental to the public good.
 - 12) Encourages parking to the rear of buildings.
- b. Adequate provisions have been made to protect surface and ground water resources from adverse effects of the development.
 - c. Adequate provisions have been made for wastewater disposal, as determined by the Board of Health in accordance with state and local septic system regulations.
 - d. Adequate capacity is available on affected streets and nearby intersections to accommodate the proposed development, based on the analysis of traffic impacts submitted with the Site Plan application or a traffic study required by the Planning Board. If a development is projected to cause a decrease in level of service (LOS) over existing conditions on affected streets, the Planning Board, at its sole discretion, may require implementation of mitigation measures and/or Transportation Demand Management (TDM) measures to restore the LOS to the existing condition.
 - e. The proposed signage is acceptable, as determined in the context of pedestrian and vehicular safety.
 - f. For the review of proposed lighting in a development within the Historic Business District, representatives of the Planning Board and the Historic Business District Commission shall meet promptly to resolve any differences and provide the other with copies of lighting information/documentation as submitted. Recommendations of such representatives will be referred back to both boards for final review and determination, which will then be set forth within the Site Plan Review Approval and HBDC Certificate of Appropriateness.

6. Site Development Standards.

Applicants must make every reasonable effort to achieve consistency with the following site development standards:

- a. Developments shall preserve and protect significant natural features that are important to the site, the surrounding area, or the Town as a whole.
- b. Developments shall protect slopes in excess of ten (10%) percent against erosion, runoff, and unstable soil, trees and rocks. Appropriate measures shall be taken to stabilize the land surface from unnecessary disruption. Stabilization measures shall be the responsibility of the Applicant.
- c. Buildings, structures, fences, lighting, and fixtures on each site shall be placed so as to not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
- d. All roadway and driveway design shall take into consideration safe sight distances at intersections and along all traveled ways, as determined by the Chatham Public Works Department. Clear sight distances shall take into account topography, density of dwelling units or intensity of use, and horizontal and vertical alignment of roads. The applicant shall use all commercially reasonable measures to achieve adequate clear sight distance without removing obstructions that have scenic, natural or historical significance as determined by the Planning Board.
- e. Exterior Lighting
 - 1) In general, developments shall provide adequate illumination of parking lots and other areas for vehicular and pedestrian circulation. In a residential district, no freestanding illumination devices shall be installed to a height exceeding fifteen (15') feet. All illumination shall be directed and/or shielded so as not to shine beyond the perimeter of the site or interfere with traffic.
 - 2) The lighting plan shall address the following criteria:
 - (a) Adequate light levels to ensure safe nighttime pedestrian and vehicular circulation and access;
 - (b) Maximum control of glare or light spill onto abutting and neighboring properties, by means of light source shielding, aiming, and appropriate mounting height;
 - (c) Where pole-mounted fixtures are used in vehicular areas, protection of pole base from vehicular contact; and
 - (d) Minimal ballast noise.
- f. All areas designed for vehicular use shall be surfaced consistent with current Town standards. All parking spaces shall be arranged and clearly marked in accordance with the Off-Street Parking and Loading requirements of the Zoning Bylaw.

- g. For pedestrian safety, all pedestrian walkways that cross or extend along the perimeter of any parking area shall be composed of a raised, textured or color-treated surface that is visually distinctive.
- h. All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical, telephone and cable lines shall, whenever practicable, be placed underground.
- i. Landscaping shall be comprised primarily of non-invasive, drought-resistant plantings that may include trees, flowers, shrubs, succulents and ornamental grasses. The selection of such plantings shall be approved by the Historic Business District Commission when a development is subject to its jurisdiction, and otherwise by the Planning Board. High-water use turf shall not exceed 20% of all landscaped areas or open space on the site. Outdoor watering may be achieved by drip irrigation or low-energy spray irrigation, or a comparable water-conserving irrigation system, but sprinkler systems are prohibited unless the applicant can demonstrate to the Planning Board's satisfaction that the proposed system meets acceptable water conservation standards.
- j. All surface water runoff from structures and impervious surfaces shall be collected on site. In no case shall surface water runoff be drained directly into wetlands or water bodies. Drainage systems shall be designed to minimize the discharge of pollutants by providing appropriately-designed vegetated drainage channels and sedimentation basins that allow for adequate settling of suspended solids and maximum infiltration. Dry wells, leaching pits and other similar drainage structures may be used only where other methods are not practicable. Oil, grease, and sediments traps to facilitate removal of contaminants shall precede all such drainage structures.
- k. Exposed storage areas, machinery, garbage dumpsters, recyclable storage, service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets. Garbage dumpsters shall be located in designated areas, and where feasible, shared with other uses.
- l. All necessary roof mechanicals and appurtenances shall be screened and said screening shall be consistent with the overall design of the building.

7. As-Built Plan.

Prior to the issuance of an occupancy permit or the release of a construction bond, an as-built plan and a letter of certification shall be submitted to the Building Inspector and the Planning Board by a Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved Site Plan. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

8. Performance Guarantee.

- a. As a condition of Site Plan approval, the Planning Board will require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the Planning Board, be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The amount of security shall be 125% of the full cost of all site improvements as determined by an estimate from the applicant's engineer, which may be confirmed or increased by the Board. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements.
- b. The Town may use the secured funds for their stated purpose in the event that the Applicant does not complete all improvements in a manner satisfactory to the Planning Board within two years from the date of approval, or the final date of the last extension of such approval, if any.

9. Duration of Approval.

Site Plan approval shall become void if in the opinion of the Zoning Enforcement Officer substantial construction has not commenced within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in M.G.L. c.40A, Section 15, unless any construction work contemplated thereby shall have commenced and proceeded in good faith continuously to completion. A request for extension of the date of completion must be submitted to the Planning Board in writing no less than 30 days prior to the date of expiration.

10. Planning Board Regulations.

Following a public hearing, the Planning Board may adopt regulations, procedures and guidelines to implement this Bylaw.

11. Fees.

Site Plan Review fees shall be governed and established by the Planning Board as part of its regulations and procedures and shall be assessed to the owner and/or the Applicant. Such fee may include a deposit for engineering, architectural or other peer review by a consultant selected by the Planning Board.

12. Appeals.

Any person aggrieved by his or her inability to obtain site plan approval by the Planning Board or any final action by the Planning Board in connection with any site plan shall have the right to appeal to the Zoning Board of Appeals in accordance with the procedures set forth in M.G.L. c.40A, Section 8 and the Zoning Board of Appeals shall have the right to hear such appeals.

C. ABBREVIATED SITE PLAN REVIEW

1. Purposes and Intent.

The purpose of Abbreviated Site Plan Review is to achieve the basic health, safety and welfare objectives of Site Plan Review through a process that limits technical requirements, expense and time to an appropriate level for small projects.

2. Applicability.

- a. Unless subject to Site Plan Review by the Planning Board under Section 6(B), any of the following shall require an Abbreviated Site Plan Review in accordance with this Bylaw:
 - 1) Any non-residential development that increases existing gross floor area by less than 400 square feet;
 - 2) Any addition of up to three (3) off-street parking spaces to a parking facility that serves a non-residential use;
 - 3) Residential or residential accessory uses where required under Section 3(N) or 3(O).
- b. No building permit shall be issued for any development subject to this Section, and no construction or site preparation shall be started, unless a Site Plan has been approved for it in accordance with this Section.
- c. No occupancy permit shall be issued for any building subject to this Section unless such building and all its related facilities have been completed according to the approved Site Plan. No activity subject to site plan approval shall be conducted on the site unless, in the opinion of the Building Inspector, the development or approved phase thereof has been substantially completed according to the approved Site Plan.
- d. Approval of a site plan under this section shall not substitute for the requirement of obtaining a Special Permit or other approvals as required by the Zoning Bylaw, or other Town bylaws or regulatory requirements.

3. Procedures.

- a. The technical review process for Abbreviated Site Plan Review shall be coordinated by the Town Planner.
- b. Applicants shall meet with the Town Planner regarding the materials and specifications and submittal requirements for Abbreviated Site Plan Review prior to submitting an application.
- c. Four (4) copies of an Abbreviated Site Plan Review application package shall be submitted to the Planning Division, Department of Community Development, for review by the Town Planner, except that five (5) copies shall be submitted when a

proposed project is subject to the jurisdiction of the Historic Business District Commission. Within five (5) working days of receiving a Site Plan, the Town Planner shall distribute copies to the Department of Public Works, Board of Health, and Water and Sewer Commission, and where applicable, the Historic Business District Commission.

- d. The Town Planner may request comments from any other department or officer of the Town as he deems necessary in order to assure an adequate review of the applicant's plan. Within twenty-eight (28) days of the date that the Abbreviated Site Plan was submitted to the Town Planner, the departments or officers to whom the site plan was referred shall respond to the Town Planner in writing as to the appropriateness of the proposed development.
- e. Within thirty-five (35) days of the date that the Abbreviated Site Plan application is submitted to the Town Planner, the Town Planner shall approve the Site Plan as submitted or approve with conditions. Further, at the next Planning Board meeting following the actions of the Town Planner, the Town Planner shall submit written notice of the actions taken to the Planning Board.
- f. One copy of the approved Site Plan shall be provided to the applicant, the Planning Board, Building Inspector and Board of Health, and where applicable, the Historic Business District Commission.
- g. If the Town Planner determines within 15 days of the date of receiving the Abbreviated Site Plan Review application that a proposed development involves unusual or significant water, wastewater, traffic, drainage, lighting, or other conditions, he may transfer the application to the Planning Board for Site Plan Review in accordance with Section 6(B).
- h. If the Town Planner refers the application to the Planning Board for Site Plan Review under Section 6(B), the 90-day review period under Section 6(B) shall be deemed to have commenced on the date that the Abbreviated Site Plan Review application was submitted to the Town Planner.
- i. The applicant shall be responsible for furnishing additional copies of the Site Plan Review application package to the Planning Board and delivering copies to other town departments or officers in accordance with Section 6(B).

4. Submittal Requirements.

The site plan application package for Abbreviated Site Plan Review shall include the following:

- a. Four (4) copies of a Site Plan proposal drawn at a scale not to exceed one inch equals 40 feet (1"=40'), except that five (5) copies shall be required when the proposed project is located in the Historic Business District. Each proposal shall include a scale bar, north arrow, date, and signature line.
- b. The applicant for Abbreviated Site Plan Review is encouraged to provide as much information as the applicant deems appropriate, using the submittal requirements in

Section 6(B) as a guide. At minimum, the application shall include the following as applicable:

- 1) A cover letter describing the nature and location of the project and the site, the zoning classification(s) that apply to the property, assessor's map and lot numbers, the name and address of the property owner and the applicant, if different from the property owner, and evidence of ownership or interest such as a deed, purchase and sales agreement, lease, or similar instrument, and evidence of the owner's authorization for the applicant to discuss proposed plans for the property with the Planning Board.
- 2) A Site Plan that contains:
 - (a) Parcel lot lines for the proposed project site, and uses and ownership of abutting parcels.
 - (b) If applicable, the location and design of drainage systems with drainage calculations prepared by a registered professional engineer.
 - (c) Existing and proposed layout of off-street parking areas on the project site.
 - (d) Location of existing and proposed buildings and public or private ways on the project site.
 - (e) Foundation lines of the proposed buildings, and gross floor area.
 - (f) Location of solid waste containers and outdoor storage areas, if any.
 - (g) If applicable, the location of wetlands and other areas subject to control under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, Section 40, and Chapter 37, Chatham Wetlands Protection Bylaw, Section 37005, including regulatory buffer zones or setbacks from resource areas, in a form acceptable to the Conservation Commission; Flood Plain and Floodway boundaries; and erosion control measures.
 - (h) Location of existing and proposed utilities and storage facilities, including sewer connections, onsite wastewater systems, wells and any storage tanks.
 - (i) Location of all water resource protection areas, if any portion of the site is within 1,000 feet of a DEP Zone II, interim wellhead protection area or any surface water protection zone.
 - (j) Additional information may be required by the Town Planner, as reasonably necessary, to complete a review in accordance with this Bylaw.
 - (k) A table of information showing how the plan conforms to the Zoning Bylaw.

5. Abbreviated Site Plan Review Criteria.

The Town Planner shall recommend to the Planning Board approval of a Site Plan, with or without conditions, upon finding that the proposed development complies with all applicable requirements of the Protective Zoning Bylaw.

6. As-Built Plan.

Prior to the issuance of an occupancy permit or the release of a construction bond, an as-built plan and a letter of certification shall be submitted to the Building Inspector and the Planning Board by a registered professional engineer, registered architect, registered landscape architect or registered land surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved Site Plan. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

7. Duration of Approval.

Site Plan approval shall become void if substantial construction has not commenced within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal under the provisions of M.G.L. c.40A, Section 15. A request for extension of the date of completion must be submitted to the Planning Board in writing no less than 30 days prior to the date of expiration.

8. Fees.

Abbreviated Site Plan Review fees shall be governed and established by the Planning Board as part of its regulations and procedures and shall be assessed to the owner and/or the Applicant.

9. Appeals.

Any person aggrieved by his or her inability to obtain approval under Abbreviated Site Plan Review shall have the right to appeal to the Zoning Board of Appeals in accordance with the procedures set forth in M.G.L. c.40A, Section 8 and the Zoning Board of Appeals shall have the right to hear such appeals.

D. OFF-STREET PARKING AND LOADING REGULATIONS

1. Purpose and Intent.

It is the intent of this section that adequate off-street parking must be provided to service all parking demand created by new construction, whether through new structures, additions to existing ones, or through change of use creating higher parking demands.

2. Applicability

Existing buildings, structures and land uses are not subject to these off-street parking requirements and may be rebuilt, altered or repaired, but not enlarged, altered or changed in use so as to increase demand, without providing the required off-street parking for the enlarged portion of the building or use. No existing off-street parking may be counted toward the provision of the required parking for the enlarged building or use.

3. Compliance with Off-Street Parking and Loading Regulations

The Planning Board shall determine compliance with Off-Street Parking and Loading requirements during Site Plan Review under Section 6(B). For projects that are exempt from Site Plan Review or Abbreviated Site Plan Review, the Building Inspector shall determine whether a site provides sufficient parking for the proposed use(s). In all instances where a fraction of a parking space is required, the number shall be rounded up to the next whole number.

4. Design Standards for Off-Street Parking

a. Parking Space Dimensions

- 1) For purposes of this Bylaw, an off-street parking space or parking stall is an all-weather, surfaced area having a width of not less than nine (9) feet and a length of not less than eighteen (18) feet for angle parking or twenty-two (22) feet for parallel parking. The length required shall be measured on an axis parallel with the vehicle after it is parked. The required areas, other than those serving one- and two-family dwellings, are to be exclusive of driveways and shall be permanently reserved for the temporary parking of one automobile, and shall be connected with a street or public right-of-way by an all-weather surfaced driveway. In the case of single-family and two-family dwellings, all-weather surfaces shall not be required.
- 2) In parking lots containing more than 35 parking spaces, ten percent (10%) of the required parking spaces may be designed for small-car use. Small-car parking spaces shall be not less than nine feet in width and not less than 16 feet in length, and they shall be grouped in one or more contiguous areas and identified by appropriate signage.

b. Location of Required Parking Spaces

1) Minimum Setbacks

- (a) When located in a Residential District or adjacent to a residential use in any district, off-street parking shall be set back at least 10 feet from the property line of an abutter and 20 feet from the edge of the pavement.
- (b) Off-street parking shall be set back at least 10 feet from the property line of an abutter and 10 feet from the edge of the pavement, unless different setback requirements are established in the regulations of a particular zoning district or as otherwise required to comply with Subsection b.5 below.

- 2) Except as provided hereunder, required parking spaces shall normally be located on the same lot as the building or use they serve. However, shared parking is encouraged and shall conform to the most recent Institutes of Traffic Engineers (ITE) standards for shared parking. During Site Plan Review, the Planning Board may authorize a decrease of up to twenty-five-percent in total required parking spaces for developments served by shared parking, provided that the Board determines, in consultation with the Building Inspector and Police Department, that proper provision is made to insure pedestrian and traffic safety and that the purposes of these Off-Street Parking Requirements are served.
- 3) Parking areas for commercial and/or industrial uses shall be located wholly within the districts zoned for those uses. However, the Zoning Board of Appeals may authorize by issuance of a Special Permit the construction and/or operation of parking facilities in downtown Chatham within three hundred feet (300') of either side of Main Street between Crowell Road and Mulford Howes Lane. Such permission shall be given only if the parking facility is to be used solely for parking of passenger automobiles accessory to and abutting a use or uses lawfully established in the Downtown Business District. Such parking facilities are not to be used for sales, repair work or servicing of any kind, and no advertising sign or material is to be located on such lots. A buffer strip not less than ten (10) feet in width including evergreen planting not less than six (6) feet in height shall be provided along the rear and side lines of any parking facility which abuts or extends into a residential district.
- 4) Except for parking within an enclosed structure, e.g., a parking garage, no parking space shall be located within eight feet of a building wall. No access aisle, entrance or exit driveway shall be located within five feet of a building. Loading docks are exempt from this requirement.
- 5) In all Neighborhood Center and Business Districts, off-street parking for uses other than detached single-family or two-family homes shall be located in the rear and to the side of buildings, and no side yard parking shall be located within 20 feet of the property line, except that during Site Plan Review, the Planning Board may authorize up to 25% of the required parking in front of a building. A development involving the renovation or redevelopment of existing buildings will not be required to conform to this requirement if the proposed uses are within the same or lesser category of parking demand. All new construction must comply.

c. Construction of Parking Spaces

Except for single-family or two-family residences, all required parking spaces shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers painted or provided and maintained in good condition shall be used as necessary to assure efficient traffic flow within the lot.

5. Loading Spaces

In all Neighborhood Centers any use to which or from which outside deliveries of materials or dispatches of materials are to be made by motor transport and totaling 5,000 square feet or more in floor area constructed, reconstructed, or enlarged after the effective date of this section of the Bylaw shall have on the lot one permanently maintained loading space and one additional loading space for each additional 20,000 square feet of floor area or major portion thereof, excluding basements.

6. Access Driveways

- a. For parking areas containing fewer than 5 spaces, the minimum width of entrance and exit drives shall be 10 feet for one-way use and 18 feet for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 12 feet wide for one-way use and 22 feet wide for two-way use. The minimum curb radius at the street line curb cut shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The Planning Board may modify these width and radius limitations to facilitate traffic flow and safety.
- b. Entrance and exit driveways will be located so as to provide for safe access and egress to the parcel being served and to protect pedestrian and bicycle safety. In addition, evidence that the necessary driveway permits will be issued by either the Chatham Department of Public Works for town-controlled roads or Massachusetts Highway Department for state-controlled roads must be presented before a building permit may be issued.
- c. Shared access drives serving adjacent non-residential or mixed-use parcels, with shared parking located behind buildings, are encouraged wherever feasible. It is understood that if a Curb Cut Permit is required from the Massachusetts Highway Department, the construction, width and number of driveways must conform to the Massachusetts Highway Department standards. However, applicants for Site Plan Review are expected to make every reasonable effort to establish shared driveway access in a manner that will satisfy Massachusetts Highway Department standards.
- d. No driveway shall be located closer than twenty-five (25) feet to any street intersection measured along the street lines. In any non-residential district, no two driveways on the same lot shall be located closer than twenty-five (25) feet to each other at their closest limits.
- e. No lot having less than 200 feet of street frontage shall have more than two (2) driveway entrances and/or exits on each street abutting the lot.

7. Interior Lanes and Driveways

- a. Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces, the following being the minimum width permitted:
 - 1) For 90 degree to 61 degree parking, driveway width shall be at least 24 feet.
 - 2) For 60 to 46 degree parking, driveway width shall be at least 18 feet
 - 3) For 45 to 30 degree parking, driveway width shall be at least 15 feet

- 4) For parallel parking, driveway width shall be at least 15 feet
- b. Ninety degree (90 degree) or parallel parking shall be used in all off-street parking lots unless there is signage indicating traffic directions. Parking at angles at less than thirty degrees (30 degrees) is prohibited except for parallel parking. The minimum width of any interior driveway serving an off-street parking area shall be fifteen (15) feet.

8. Pedestrian Walkways

- a. Crosswalks shall be provided in appropriate locations and shall be clearly recognizable through the use of raised, textured or color treated surfaces in order to aid pedestrians in crossing traffic within the lot.
- b. Any off-street parking area located in front of a building shall be separated from it by a paved walk at least six (6) feet wide with a seven (7) inch high safety curb located along the front of the building, or other safety devices as the Planning Board may specify.
- c. Where an entrance or exit normally used by the public exists along an exterior side or rear wall (except fire doors and loading areas), such entrance or exit shall be provided with a paved walk at least five (5) feet wide with a seven (7) inch high safety curb extending at least six feet along the building on either side of such entrance or exit.

9. Surface Treatments, Grades and Drainage

- a. Off-street parking and loading areas should be surfaced with asphalt, bituminous, cement, or another properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area of contribution.
- b. Pervious or semi-pervious surfaces such as grass pavers are encouraged wherever possible, particularly in overflow parking areas.
- c. Parking areas used for parking and vehicle maneuvering shall have grades not to exceed five (5) percent slope.
- d. Driveways used exclusively for ingress or egress or interior parking lot circulation shall have slopes not exceeding twelve (12) percent except within thirty (30) feet of the road, in which case the slope shall not exceed five (5) percent.

10. Landscaping and Screening Requirements

- a. Any parking lot containing ten (10) or more parking spaces shall include landscaping that is located and designed not to impede traffic safety and to minimize the adverse effects of the parking or loading facility on the natural environment and adjoining properties. Such landscaped areas shall not be less in area than five percent (5%) of the total area of the parking lot and shall be in addition to any minimum open space required under the dimensional and density regulations of the applicable zoning

district. The following standards shall be addressed in meeting the minimum landscaping requirement.

b. Buffer area

- 1) Any off-street parking or storage area serving a use other than one- or two-family dwellings and which abuts residentially zoned land shall be separated from the adjoining land by a ten (10) foot buffer area in order to minimize land use conflicts. The buffer area shall be landscaped and maintained with stress-tolerant, non-invasive species so as to create an environmentally appropriate visual screen. The Planning Board may allow the use of a fence, wall or other structure to achieve the purpose of this buffer, provided it is determined to be a more effective and suitable buffer than could be provided with plantings..
- 2) All off-street parking and loading areas except those serving one- and two-family dwellings shall be separated from adjacent properties by a four (4) foot buffer strip planted with low water use ground cover. However, where adjacent parcels share a common parking area with a common entrance and exit, the Planning Board may approve eliminating the minimum four (4) foot buffer on all common property lines.
- 3) For vegetated swales located within a buffer area, the Planning Board may approve alternative buffer dimensions and buffer design standards than those specified under (1) and (2) above.
- 4) Wherever possible, existing natural vegetation and landforms shall be protected and incorporated into the buffer area.

c. Interior landscaping

- 1) Off-street parking areas that cover twenty (20) percent or more of the total site area shall have at least ten (10) square feet of interior landscaping for each parking space. As used herein, "interior landscaping" shall be defined as landscaped islands or areas, exclusive of any other landscaping or buffer areas required elsewhere in these Off-Street Parking Requirements, which are contained within or project into the paved off-street parking area.
- 2) Each separate landscaped area shall contain a minimum of one hundred (100) square feet, shall have a minimum dimension of at least five (5) feet, and shall be planted with stress-tolerant, non-invasive plantings approved by the Planning Board.
- 3) Each such island shall have a five (5) inch curb and may be used to locate hydrants within a parking area.
- 4) Whenever possible, such interior landscaping shall be located so as to channel pedestrian and vehicular traffic safely and efficiently.
- 5) The Planning Board may approve modifications to the above requirements for any interior landscaped areas or islands that serve as vegetated swales or

bioretention cells. The number, dimensions and landscaping specifications for bioretention cells shall be determined by the Planning Board during its review of a proposed drainage plan under Site Plan Review.

d. Landscaping adjacent to right of way

- 1) Except for parking that serves single-family and two-family uses, off-street parking areas adjacent to the right-of-way line of any existing, proposed, paper, public, or private street, or state highway shall be buffered from said right-of-way by a landscaped strip. The landscaped strip shall not be less than ten (10) feet wide.
- 2) Wherever possible, the landscape strip should be located between the sidewalk in front of the parcel and the road in order to create a sense of protection from vehicular traffic for pedestrians. In these cases, the Planning Board may approve a reduction in width of the landscaped strip in order to accommodate both a wide sidewalk and landscaping within the front yard setback.
- 3) Trees to be planted shall be a minimum of 2 1/2 inches in caliper six feet above grade, be of a species common in Chatham, tolerant of future site conditions and reach an ultimate height of at least 30 feet.

e. Lighting

Adequate lighting shall be provided in lots of more than ten (10) spaces if off-street parking spaces are to be used at night. However, minimum security lighting shall be provided in all lots serving other than one-and two-family residential. The lighting shall be arranged and installed to minimize glare on adjacent property. If property is not to be used at night, a note to that effect shall be indicated on the plan.

11. Minimum Required Off-Street Spaces

Except for commercial uses in the Downtown Business District, where the first 5,000 square feet of gross floor area shall be exempt from these Off-Street Parking Regulations, in any district no use of premises shall be authorized or extended and no building shall be erected or enlarged, unless there is provided for such extension, erection or enlargement, off-street parking space in accordance with the standards listed below. These standards are minimum requirements. The Planning Board may require a greater number of spaces if the nature and scale of a proposed use so warrants.

a. Residential Uses

- 1) Single-family dwelling: two spaces per unit.
- 2) Multi-family dwelling: one space per one-bedroom unit, 1.5 spaces per two-bedroom unit, and two spaces per unit with three or more bedrooms.

- 3) Dwelling in a mixed-use building: one space per unit, except when located within 1,200 feet of a public parking facility, required parking shall be determined by the Planning Board.
- 4) Boarding or rooming house, bed and breakfast (in addition to parking requirements for the resident owner): one space per rentable room in a boarding or rooming house, bed and breakfast or similar accommodation,
- 5) Congregate residence: one space per bedroom.
- 6) Accessory apartment or guest house: one space per unit.
- 7) Home occupation: one space per full-time employee who is not a resident of the premises.

b. Commercial or Industrial Uses

- 1) Hotel, motel, inn, cottage colony or similar transient lodging establishments: 1.25 spaces per rentable room.
- 2) Restaurant or other food service establishment: one space per four seats, permanent or otherwise.
- 3) Bank, business office or professional office: one space for every 250 square feet of gross floor area.
- 4) Retail, personal or business service establishment: one space for every 300 square feet of gross floor area, except as follows:
 - (a) Retail sales of furniture, appliances, hardware, lumber and similar bulky merchandise: one space per five hundred (500) square feet of gross floor area.
 - (b) Supermarket, convenience store, or self-service food store: one space per 150 square feet of gross floor area.
 - (c) Motor vehicle sales and service: one space per 500 square feet of gross floor area.
- 5) Self-service laundry or dry cleaning establishment: one space for every two machines.
- 6) Kennel, animal hospital, medical office or medical clinic: One space for each employee, plus a minimum of six spaces for client or customer parking.
- 7) Light industry, manufacturing: one space for every employee on the largest shift plus one (1) space for every one thousand (1,000) square feet of gross floor area.
- 8) Wholesale storage or warehouse business: one space for every employee plus one space for every 2,500 square feet of gross floor area.

- c. Institutional, Municipal and Related Uses
 - 1) Hospital, sanitorium or nursing home: One space for every three beds plus one space for every two employees on the largest shift.
 - 2) Auditorium, church, theatre, assembly hall, club or similar place of assembly, entertainment or amusement: one space per 3 seats of seating capacity.
 - 3) Municipal building: one space per 300 square feet of gross floor area, plus one space per 3 seats in a facility that includes public assembly space.
 - 4) School, library, charitable institution or similar use: one space for each full-time employee, plus one space for every three (3) seats in a facility that includes public assembly space.
- d. Adequate spaces to accommodate customers and employees at gasoline stations, drive-in establishments, commercial recreation/facilities, marinas and other permitted uses not specifically enumerated herein, as determined by the Planning Board under Site Plan review.
- e. For buildings of more than 5,000 square feet of gross floor area that accommodate more than one use, such as a small shopping center or a retail building with upper-story offices, the Planning Board may authorize a reduction in the total amount of required parking by 25% for each additional 2,500 square feet of floor area.
- f. In a Business or Industrial District where a use includes outside sales or storage, the area used for outside sales or storage, measured in square feet, shall be added to the gross floor area for purposes of calculating the required number of parking spaces.

12. Reserve Parking Spaces

- a. The Applicant may request and, where appropriate, the Planning Board may authorize a decrease in the number of off-street parking spaces required in Subsection 11 above, for any of the following reasons:
 - 1) Use of a common or shared parking lot for different uses having peak demands occurring at different times.
 - 2) Age or other characteristics of occupants which are likely to reduce the number of vehicles otherwise associated with a particular residential use.
 - 3) Peculiarities of a use which render usual measurements of demand invalid.
 - 4) Any other reason deemed appropriate by the Planning Board.
- b. A decrease in the number of off-street parking spaces shall be subject to all of the following conditions:

- 1) The decrease in the number of parking spaces is no more than 25% of the total number of required spaces. The waived parking spaces shall not be used for building area and shall be labeled as "Reserve Parking" on the Site Plan.
- 2) A written recommendation of approval is given by the Building Inspector, the Police Department and the Department of Public Works.
- 3) The proposed decrease in the number of required spaces will not create undue congestion, traffic hazards, or a substantial detriment to the neighborhood, and does not derogate the intent and purpose.
- 4) The reserve parking spaces shall be properly designed as an integral part of the overall parking development
- 5) In no case shall any reserve parking spaces be located within areas counted as buffer, parking setback or open space.
- 6) If, within two (2) years from the date of issuance of a certificate of occupancy, the Building Inspector and/or Planning Board find that all or any of the increased reserve spaces are needed, the Planning Board may require that all or any portion of the spaces identified as increased reserve spaces on the site plan be constructed within a reasonable time period as specified by the Planning Board. A written notice of such a decision shall be sent to the applicant within seven (7) days before the matter is next discussed at a Planning Board meeting.

13. Increase in Parking Spaces

The Planning Board may require provisions for an increase in the number of parking spaces required under Subsection 11 above, provided that:

- a. The increase in the number of parking spaces is no more than twenty percent (20%) of the total number of parking spaces required under Subsection 11 for the use(s) in question.
- b. Any such increase in the number of required parking spaces shall be based upon the special nature of a use or building.
- c. The increased number of parking space shall be labeled "Increased Reserve Parking" on the Site Plan and shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within an area counted as buffer or parking setback. The Applicant shall not be required to construct any of the spaces labeled as "Increased Reserve Parking" for at least one (1) year following the issuance of a certificate of occupancy. Where the increased reserve parking area is required by the Planning Board and the Applicant has otherwise provided the minimum number of parking spaces required under Subsection 11, the area of land reserved for the increased number of parking spaces may be deducted from the minimum open space required under this Bylaw.

14. Off-Street Loading Requirements

a. Design Criteria

- 1) Surface. Off-street loading and unloading spaces shall be surfaced with a dustless, all-weather pavement, which shall be adequately drained.
- 2) Dimensions. Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. One additional space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet of gross floor area in the building.
- 3) Landscaping. Whenever an off-street loading and unloading space is located next to a residential district, said loading and unloading space shall be suitably screened and buffered along the residential district boundary line.
- 4) Access. All loading and unloading spaces shall be designed so as to eliminate the need to back a vehicle out onto any public way.

E. OPEN SPACE RESIDENTIAL DEVELOPMENT

1. Purpose and Intent.

- a. To allow for greater flexibility and creativity in the layout of lots for single family houses than is possible using a conventional subdivision layout.
- b. To minimize the disturbance of existing topography and vegetation during construction on single family lots.
- c. To encourage the permanent preservation of open space and natural resources, including water bodies and wetlands, and historical and archaeological resources while, most importantly, minimizing the total disturbance of the site.
- d. To encourage lot shapes and house placement in keeping with established neighborhoods and Chatham's traditional character.
- e. To protect and enhance scenic vistas from roadways and encourage vegetated common areas at entrances to single family development.
- f. To facilitate construction and maintenance of streets, utilities and public services in an economical and efficient manner.
- g. To protect existing and potential municipal water supplies.
- h. To preserve open space areas for active and passive recreational use, including the provision of neighborhoods parks and trails.

2. Applicability

A Special Permit for Open Space Residential Development (OSRD) may be granted upon a determination by the Planning Board that the plan is preferable to a conventional

residential subdivision, and that it conforms to the requirements of this Section and other applicable provisions of this Bylaw as they pertain to the residential zoning districts.

3. Rules and Regulations

The Planning Board shall adopt and may, from time-to-time, amend rules and regulations consistent with the provisions of this Bylaw and shall file same with the Town Clerk. Such rules and regulations shall be limited to the procedures and submission requirements for an OSRD as contained in this Bylaw.

4. Pre-Application Meeting

A pre-application meeting of the Planning Board, Department of Community Development, and the applicant is required. The purpose of the meeting is to discuss the suitability of the site for a OSRD layout, to determine topographic and natural features which might be preserved under an OSRD layout, and to identify design consideration for the layout of lots, roadways, and open space.

5. Preliminary Plans

- a. A preliminary plan showing all existing site conditions, including, but not limited to, wetlands, woodlands, scenic views, the 100 year floodplain, rights of way and easements, stone walls, cart and pathways, and topography, along with the proposed development, shall be prepared and submitted by at least one of the following; a registered civil engineer, registered surveyor or registered landscape architect. The plan must be reviewed and accepted by the Planning Board prior to submission of an application for a Special Permit. Such plan shall show a layout meeting the design guidelines set forth in this By-Law.
- b. In addition, a sketch plan at the same scale as the preliminary plan, shall be submitted sufficient to demonstrate the number of lots which could be created in a standard grid subdivision meeting the requirements set forth in the Planning Board's Subdivision Regulations. A number of alternate layouts of buildings and roadways may be submitted for discussion. A preliminary subdivision application and preliminary plan meeting all of the requirements of the Subdivision Regulations may be submitted if so desired.
- c. The sketch plan or plans shall show, at minimum:
 - 1) Property location, boundaries, approximate dimensions, and acreage
 - 2) Existing roadways adjacent to the property and any easements or rights-of-way on the property
 - 3) Existing topography shown at 2' intervals; proposed grading
 - 4) Boundaries of natural features such as wetlands and surface water
 - 5) Approximate locations of flood plains as defined in this Bylaw

- 6) Delineations of major wooded areas
- 7) Proposed lots and open space area with approximate boundaries and acreage
- 8) Locations and approximate widths of proposed roads, including drainage and easements
- 9) Sizes (footprints and heights) and approximate locations of proposed buildings and driveways
- 10) Sketch of architectural style of proposed buildings
- 11) Methods of sewage disposal

6. Special Permit Plan/Definitive Subdivision

- a. An OSRD plan meeting the requirements for a Definitive Subdivision Plan as set forth in the Planning Board's Subdivision Regulations shall be submitted with an application and plan for Special Permit. The plan shall be reviewed as a Definitive Subdivision under the Subdivision Regulations and as a Special Permit under this Bylaw.
- b. Procedures shall be as set forth in state law and in rules and regulations promulgated by the Planning Board under this Bylaw. Review and action on a Special Permit for an OSRD and an associated definitive subdivision shall be concurrent.

7. Minimum Area

An OSRD shall be permitted for proposed developments of two residential units or more but having a total parcel size of at least at least 40,000 square feet of upland which is contiguous, though not necessarily in one ownership.

8. Density/Number of Dwelling Units

- a. The total number of dwelling units permitted in an OSRD shall not exceed that which would be permitted under a conventional grid subdivision that complies with all local, county and state regulations.
- b. The exact number of dwelling units shall be determined by the Planning Board following its review of a preliminary subdivision plan depicting compliance with the aforesaid laws and requirements as noted above. Such plan may be submitted prior to the formal submission of an application or together with all other materials submitted with a formal application for a Special Permit.
- c. Applicable buildable area shall be determined by a register land surveyor and equal to the total area encompassed by the development plan and minus land for road construction or land otherwise prohibited from development by a local By-Law or other regulations.

- d. When the OSRD includes more than one (1) ownership and/or lies in more than one (1) district, the number of units allowed shall be calculated as above for each zoning district and summed to give an overall total, which may be located on the plan without respect to allowable subtotals by district or ownership.

9. Special Permit Decision

a. Criteria

The Planning Board may approve a Special Permit for an OSRD upon finding that it complies with the requirements of this Bylaw and the rules and regulations adopted pursuant to Section 3 above, and that it is superior in design to a conventional subdivision with regard to protection of natural features and scenic resources on the site. In making its finding on design, the Planning Board shall consider the following criteria:

- 1) Open space as required by this Bylaw has been provided and generally conforms to the design requirements in Subsection 11 below.
- 2) Approximate building sites have been identified, and none is located closer than 50 feet to wetlands or water bodies.
- 3) Proposed streets have been aligned to provide vehicular access to each house in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide views of and access to the open space for most, if not all, of the home sites.
- 4) All lots meet the applicable dimensional requirements of Subsection 10 below.
- 5) The Planning Board's findings, including the basis of such findings, shall require a two-third vote. The Planning Board shall prepare a written decision of approval, conditional approval, or denial of the application for Special Permit.

b. Conditions

The Planning Board may impose conditions in its decision as necessary to ensure compliance with the purposes of this Bylaw. Approval of an OSRD shall be conditioned upon definitive subdivision approval and shall be conditioned to provide that no further division of land which increases the number of lots or results in an alteration to the area to be set aside as open space may occur without a modification of the Special Permit. Any alternation of lot lines or layout of ways shall require modification of the Special Permit issued by the Planning Board and shall be in compliance with the governing provisions of this Bylaw and the subdivision rules and regulations.

10. Dimensional Requirements

- a. Minimum Lot Size. The minimum lot size per dwelling unit shall be 10,000 square feet of buildable upland.

- b. **Minimum Frontage.** The minimum frontage shall be 50 feet for lots fronting on any proposed roadway within the development. Lots which will utilize existing frontage shall have a minimum frontage of 100 feet. Lots may have a minimum of 25 feet of frontage on any roadway within the development where the building site is to be generally behind another building site relative to the same road frontage or at least 75 feet from the front lot line.
- c. **Lot Shape.** All buildings lots must be designed to contain within them a circle with a diameter of 50 feet with said circle being tangent to the front lot line, provided that in cases where the frontage will be less than 50 feet, the 50 foot circle must fit within the boundaries of the proposed building site on the same lot.
- d. **Setbacks.** The Planning Board may reduce by up to one-half the minimum building/structure setbacks in Section 4C, Table of Dimensional and Density Requirements, if the Board finds that such reduction will result in better overall design, improved protection of natural and scenic resources, and will otherwise comply with this Bylaw. Notwithstanding this provision or the requirements of the Protective Zoning Bylaw, every dwelling fronting on a proposed roadway shall be set back a minimum of 15 feet from the roadway right-of-way, and a minimum of 50 feet from the outer perimeter of the entire OSRD site. This 50-foot setback shall be maintained in a naturally vegetated state to screen and buffer the development and may be included within the open space. This 50-foot setback may be eliminated where the proposed development abuts existing protected open space. Accessory buildings exceeding 100 square feet shall meet the setbacks for dwellings.

11. Common Open Space

- a. **Common open space** within the OSRD shall comprise not less than 35% percent of the land area within the parcel or parcel(s) subject to this Bylaw, all of which shall be buildable upland.
- b. **Purposes.** Open space shall be used solely for noncommercial recreation, conservation, or commercial or noncommercial agriculture. Proposed use of the open space area(s) shall be specified in the application. The Planning Board shall have the authority to specify what uses will be allowed in the open space, what uses will occur in what areas of the open space, and how much of the open space shall remain undisturbed.
- c. **Leaching Facilities.** Subject to the approval of the Board of Health and as otherwise required by law, the Planning Board may permit a portion of the open space to be used for components of sewage disposal systems including shared systems serving the subdivision, where the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands or water bodies, and enhances the site design, consistent with these regulations. In permitting such use of the open space area, the Planning Board shall find, based on the report of the Board of Health, that the use of open space for sewage disposal system components shall not result in more building lots than achievable under a conventional subdivision. The Planning Board shall require adequate legal safeguards and covenants that such facilities shall be adequately maintained by the lot owners within the development.

- d. Accessory Structures. Up to 5% of the open space may be set aside and designated to allow for the construction of structures and facilities accessory to the proposed use of the open space. With this exception, no other impervious areas may be included within the open space.
- e. Ownership of Common Open Space. At the Applicant's option and subject to approval by the Planning Board, all areas to be protected as permanent open space shall be:
 - 1) Conveyed to the Town to be placed under the care, custody and control of the Conservation Commission, and be accepted by it for a park or open space use. Land conveyed to the Town will be open for public use;
 - 2) Conveyed to a nonprofit organization, the principal purpose which is the conservation or preservation of open space, with a conservation restriction as specified below. Such organization shall be acceptable to the Board as a bona fide conservation organization; or
 - 3) Conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development (i.e., a homeowners association) and placed under conservation restriction. The documents which form said association are subject to approval by the Planning Board. If such a corporation or trust is utilized, as indicated herein, ownership thereof shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities to be held in common until such time as the homeowners association is capable of assuming such responsibility. Thereafter, the members of the association shall share the cost of maintaining the open space. The Planning Board shall require the applicant to provide documentation that the homeowners association is an automatic (mandatory) association that has been established prior to the conveyance of any lots within the subdivision.
- f. Permanent Restriction. In any case where open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction approved by the Board of Selectmen and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, shall be recorded to ensure that such land shall be kept in an open space or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this Bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restrictions shall be submitted to the Planning Board prior to endorsement of the plan and covenant for the project and recorded at the Registry of Deeds/Land Court prior to endorsement of the definitive subdivision plan. A management plan may be required by the Planning Board which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with good conservation practices.
- g. Encumbrances. All areas to be set aside as open space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances. Certification

of said condition by a qualified title examiner shall be provided to the Planning Board at the time of conveyance.

- h. **Maintenance of Open Space.** In any case where the open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance expenses. Removal of underbrush in designated open space shall be permitted only when a plan for such activity is approved by the Planning Board as part of approval of a Special Permit to create an OSRD.
- i. **Monumentation.** The Planning Board may require placement of surveyed bounds sufficient to identify the location of the open space.

12. Open Space Design Requirements

The location of open space provided through this By-Law shall be substantially consistent with the policies contained in the Local Comprehensive Plan and the Open Space and Recreation Plan of the Town (where available). The following design requirements shall apply to open space and lots provided through this Bylaw.

- a. Open space shall be planned as large, wide, contiguous areas whenever possible.
- b. Open space shall be arranged to protect valuable natural and cultural environments such as stream valleys, wetland buffers, unfragmented forestland and significant trees, wildlife habitat, open fields, scenic views, trails, and archeological sites and to avoid development in hazardous areas such as floodplains and steep slopes. The development plan shall take advantage of the natural topography of the parcel and cuts and fills shall be minimized. The design shall minimize alteration of the topography of the land, minimize the clearing of vegetation from the site, and promote vegetated buffers along roadways and at the entrance(s) to the development.
- c. Open space may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses. Where feasible, these parcels shall be linked by trails. Said trails shall be shown on the open space residential definitive plan.
- d. Where the proposed development abuts or includes a body of water or a wetland, these areas and the 100' buffer to such areas shall be incorporated into the open space. Where appropriate, reasonable access shall be provided to shorelines.
- e. The maximum number of house lots compatible with good design shall abut the open space and all house lots shall have reasonable physical and visual access in the open space through internal roads or paths.

- f. Open space shall be provided with adequate access, by a strip of land at least 20 feet wide and suitable for a footpath, from one or more streets in the development.
- g. Development along existing scenic roads and creation of new driveway openings on existing roadways shall be minimized.
- h. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to abutting conservation land. Trail connections should be provided where appropriate.

F. INCLUSIONARY HOUSING

1. Purposes and Intent

The purposes of the Inclusionary Housing Bylaw are to:

- a. Produce high-quality dwelling units affordable to low- or moderate-income households, consistent with state guidelines.
- b. Promote geographic distribution of affordable housing units throughout the town and avoid over-concentration.
- c. Assist the Town in creating units eligible for the Chapter 40B Subsidized Housing Inventory through means other than a Comprehensive Permit.

2. Applicability

- a. This section of the Protective Bylaw applies to any residential subdivision or any division of land resulting in 10 or more buildable lots, or to more than ten single family dwellings on one lot; or to any multi-family development containing 10 or more dwelling units.
- b. Developments shall not be segmented to avoid compliance with this section of the Bylaw. Divisions of land that would cumulatively result in an increase by ten or more residential lots or dwelling units above the number existing on any parcel or any contiguous parcels in common ownership twenty-four months earlier are subject to Inclusionary Housing requirements. For purposes of this section, a division of land shall mean any division of land subject to M.G.L. c. 41, Sections 81K-81GG.

3. Mandatory Provision of Affordable Housing Units

In any development subject to this section of the Bylaw, ten percent (10%) of all dwelling units shall be affordable housing units. Nothing in this Section shall preclude a developer from providing more affordable housing units than required hereunder. Fractions shall be rounded up to the nearest whole number.

4. Methods of Providing Affordable Housing Units

In its discretion, the Planning Board may grant a Special Permit to approve one or more of the following methods, or any combination thereof, for the provision of affordable housing units:

- a. The affordable housing units may be constructed or rehabilitated on the site of the development. This is the preferred method of providing affordable units in Chatham.
- b. The affordable housing units may be constructed or rehabilitated on a site different from that of the development. The Planning Board may allow a developer of dwelling units to develop, construct or otherwise provide affordable units reasonably equivalent to those required by this section of the Bylaw in an off-site location in the Town of Chatham. All requirements that apply to on-site provision of affordable units shall apply to provision of off-site affordable units. In addition, the location of the off-site units shall be approved by the Planning Board as an integral element of the development review and approval process.
- c. A donation of land may be made in lieu of providing affordable housing units. An applicant may offer, and the Planning Board may approve, donations of land in fee simple, on- or off-site, that the Planning Board determines are suitable for the construction of an equivalent number of comparable affordable housing units. For purposes of this section, land may be donated to the Town of Chatham, subject to approval by the Board of Selectmen, or to a non-profit housing development organization approved by the Planning Board, provided that the land is protected by a restriction assuring its use for affordable housing. Prior to approving a land donation as satisfaction of the Inclusionary Housing requirement, the Planning Board may require the applicant to submit an appraisal or other data relevant to the determination of suitability for an equivalent number of affordable housing units.
- d. An equivalent fee in lieu of units may be made. The Planning Board may allow a developer of non-rental dwelling units to make a cash payment to the Town through its Affordable Housing Trust Fund for each affordable unit required by this Section. The cash payment per unit shall be in accordance with the following formula: three times an amount equal to 80% of area median income (AMI) for a family of four for the metropolitan or non-metro area that includes the Town of Chatham, as determined annually by the U.S. Department of Housing and Urban Development (HUD).

5. General Provisions

- a. The Planning Board shall be charged with administering this Section and shall promulgate Inclusionary Housing Rules and Regulations, including but not limited to submission requirements and procedures, application and review fees, minimum requirements for a marketing plan, and documentation required by the Town to qualify the affordable housing units for listing on the Chapter 40B Subsidized Housing Inventory.
- b. Affordable dwelling units shall be dispersed throughout the development and shall be generally comparable to market-rate units in terms of quality, room size, bedroom distribution, and external appearance.

- c. The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan approved by the Planning Board. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, and federal or state fair housing laws.
- d. Developers may sell affordable units to the Town of Chatham, the Chatham Housing Authority, or to any non-profit housing development organization that serves the Town of Chatham, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.
- e. Developers shall be responsible for preparing applications and other documentation required by the Department of Housing and Community Development (DHCD) to assure that the affordable housing units are or will be approved for listing on the Chapter 40B Subsidized Housing Inventory.

6. Density Bonus

A development subject to this Section shall comply with the density and dimensional requirements set forth in Section 4 unless the Planning Board approves a density bonus for additional affordable units. A density bonus not exceeding 25% of the total number of units permitted in the underlying zoning may be granted by the Planning Board, provided the Applicant constructs a greater number of affordable dwelling units than the mandatory ten percent and the units are located within the proposed development. No density bonus shall be granted when the affordable units are provided in off-site locations, by donation of land or payment in lieu of creating affordable units.

7. Timing of Construction

- a. Unless a different schedule is approved by the Planning Board, affordable housing units shall be provided in proportion to the development of market-rate units.
- b. Certificate of Occupancy for an affordable housing unit shall not be issued until the applicant submits evidence to the Building Inspector that an affordable housing restriction has been approved by DHCD.

8. Preservation of Affordability; Restrictions on Resale

- a. An affordable housing unit created in accordance with this Section of the Bylaw shall be subject to an affordable housing restriction or regulatory agreement that contains limitations on use, resale and rents. The affordable housing restriction or regulatory agreement shall meet the requirements of the Town and the DHCD Local Initiative Program, and shall be in force for the maximum period allowed by law.
- b. The affordable housing restriction or regulatory agreement shall be enforceable under the applicable provisions of M.G.L. c.184, as amended.
- c. The Planning Board shall require that the applicant comply with the mandatory provision of affordable housing units and accompanying restrictions on affordability, including the execution of the affordable housing restriction or regulatory agreement.

- d. All documents necessary to ensure compliance with this Section shall be subject to the review and approval of the Planning Board and, as applicable, Town Counsel. Such documents shall be executed prior to and as a condition of the issuance of any Certificate of Occupancy.

G. SIGNS

1. Purposes:

The purposes of this bylaw are for the regulation and restriction of billboards, signs and other advertising devices within the Town of Chatham on public ways or on private property within public view of a public way, public park or reservation, to preserve for the citizens of Chatham and their children the natural, architectural and historical assets and other qualities which distinguish the Town as a desirable community for permanent residence and for summer recreational purposes; to protect its income from the recreational business by exercising prudent control over the assets; to preserve for the citizens their rights to a customary means of earning a living; to encourage growth of the community along the traditional architectural lines.

2. Authority.

This Bylaw is hereby declared to be remedial and protective and is to be so construed as to secure the beneficial interests and purposes thereof. This Bylaw is adopted pursuant to Massachusetts General Laws, Chapter 93, 40A and 43B.

3. Definitions.

- a. A-Frame or Easel Sign: A double-faced sign, with the two faces connected at the top and spaced at the bottom, so as to form the shape of the letter "A", and therefore being self-supporting on a flat surface, or a single-faced sign similarly self-supporting.
- b. Banner: A piece of cloth, plastic or similar material, attached at one or more points, to a pole, staff or other support.
- c. Ground: Natural earth or soil level of the particular area or normal finished grade.
- d. Ground Sign: A sign, single or double-faced, supported from ground level by posts or similar vertical supports.
- e. Ladder Sign: A ground sign with two vertical supports, with two or more horizontal crosspieces serving as individual signs for identification or advertising purposes.
- f. Non-conforming Sign: A sign which is not allowed by the current Bylaw, but which, when first constructed, was legally allowed by the Town of Chatham.
- g. Off-Premise Sign: A sign which is not appurtenant to the use of the property, a product sold or a service offered upon the property where the sign is located.

- h. Person: The definition of a person for the purposes of this Bylaw shall include an individual, corporation, society, association, partnership, trust or other entity, public or private.
- i. Projecting and Overhanging Signs: A sign which projects over a public way.
- j. Public Way: For purposes of this Bylaw a public way shall include a private way that is open to public use.
- k. Ridge Line: The highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.
- l. Roof Sign: A sign attached to the roof of a building, not extending higher than the ridge line.
- m. Sign: A sign shall mean any material or any structure or part thereof or device attached thereto on which is painted, represented, displayed or included, a letter, word or figure which attracts or tends to attract attention to itself. Signs herein shall also mean all advertising devices or insignia whether lettered or not, designed to promote a business, the sale of a product or of a service. The word sign as used in this Bylaw shall also include any lettered or worded advertisement not outdoors which is visible and is intended to be read from the outdoors. The term shall not include any flag or badge or insignia of any government or governmental agency or of any civic, charitable, religious, patriotic or fraternal organization. Sign face shall mean the side of a sign intended to be read.
- n. Temporary Sign: A sign intended to be displayed for a limited period, for the purpose of advertising a special sale or promotion, or announcing a bona fide charitable, religious, educational or civic event, or promoting the election of a political candidate.
- o. Wall Sign: A sign attached parallel to, or painted on, the wall of a building exterior.
- p. Window Sign: A sign displayed on or within the window of a building, visible from outside the building.
- q. Zones: Zones as used in the Bylaw shall mean the zones described in Section 50, Protective Bylaw of the Town, as amended.

4. Regulations for West Chatham Neighborhood District, General Business 1, General Business 2, Downtown Business and Industrial District

- a. The following signs may be erected in the West Chatham Neighborhood District, General Business 1, General Business 2 and Downtown Business Districts:
 - 1) Wall Signs - One (1) wall sign per established business for each street frontage not exceeding a total of ten percent (10%) of that building face including the window area, but not to exceed three (3) feet in height,

advertising only the business carried on and/or services and products made or sold on the premises.

- 2) Window Signs - Window signs shall not exceed twenty-five percent (25%) of the individual window area or ten percent (10%) of the glass area of any required exit door.
- 3) Ground Signs (including Ladder Signs) - In addition to the wall sign specified in Section 1 above, there shall be but one single or double-faced sign of not over twenty (20) square feet area within fifteen (15) feet of the street or boundary, if said sign is located between fifteen (15) and twenty (20) feet from the road boundary, it may be thirty (30) square feet in area and if located more than twenty (20) feet from the road boundary, it may contain not over forty (40) square feet in area with the upper and lower edge to be determined by the existing grade level and the approval of the Sign Agent, but in no case shall the height exceed eighteen (18) feet above the sign's foundation or the existing grade level at the foundation.
- 4) Roof Signs - In lieu of, but not in addition to a wall sign, a sign which shall not exceed a height of three (3) feet, nor the ridge line of the structure may be affixed to the roof of a building. All roof signs shall be properly and safely erected and approved by the Selectmen or their agent.
- 5) Signs for Gasoline Stations, Garages and Commercial Boating Facilities - Such businesses may, if they elect to do so, divide that one exterior sign affixed to the front wall of the building, to which they are entitled as herein above provided, into separate signs affixed to a parallel to such wall and indicating the separate operations or departments of the business, provided however, that the total of the area of the separate signs shall not exceed the maximum area permitted under this Bylaw for a single, exterior sign on such wall. In addition, one ladder sign, subject to the limitations as defined under subsection 3, Ground Signs, may be permitted. In addition, one sign, standing or otherwise, indicating the company whose gasoline is being sold, may be erected, subject to approval of the Sign Code Agent. The standard type of gasoline pump bearing thereon, in usual size and form, the name or type of gasoline and the price thereof, shall not be deemed to be in violation of this Bylaw. Temporary or moveable signs of any and every type are specifically prohibited.
- 6) Projecting, Overhanging signs - A projecting, overhanging sign shall be permitted in the General Business districts, designated as GB-1 and GB-2. These signs shall be limited to one per store occupancy and shall not exceed six (6) square feet per sign face. They must have a "Clear Height" of ten (10) feet and be erected and secured in such a manner as to preclude their becoming a safety hazard to the public. The Selectmen or their agent must be shown or provided with proof of adequate Public Liability Insurance coverage applicable to signs extended over Town property. The Town of Chatham may require possession of the policy.

- 7) Signs on Leased, Town-Owned Property - The Selectmen shall have the sole discretion as to the suitability of all signs; erected or to be erected on Town-owned property, under lease of private enterprise, or otherwise; but all said signs shall conform to the existing sign code.
 - 8) Signs for Shopping Centers and Plazas - A shopping center or plaza will be defined as more than one business establishment on the same or adjacent properties using a common parking area and in which the buildings adjacent to the common parking area are not more than fifty (50) feet apart.
 - 9) Shopping centers and plazas as defined herein shall be allowed only one ground sign, which may be a ladder-type, single or double-faced, not to exceed a height of fifteen (15) feet from natural grade. Said sign may advertise the name of the shopping center or plaza and each ladder rung may contain the name of one business in the shopping center or plaza but said business shall be allotted not more than one rung per shopping center or plaza.
- b. Signs for Industrial Zones - Industrial zones shall be allowed, in addition to other signs as allowed in the business districts above, one ladder-type sign, single or double-faced, not to exceed a height of fifteen (15) feet from natural grade. Said sign may advertise the name of the industrial area and each ladder rung may contain the name of one business in the zone but said business shall be allotted not more than one rung per zone.
 - c. Theatre Signs - Motion picture theatres, stage and summer theatres shall be permitted in addition to other permitted signs, a theatre marquee in lieu of a projecting, overhanging sign as defined under subsection 6. In addition, there will also be permitted the usual conventional bulletin areas on either side of the main entrance not to exceed six (6) square feet each.
 - d. Awnings and Canopies:
 - 1) The lowest portion of any awning shall be not less than seven (7) feet above the level of a sidewalk or public right of way. No awning may extend beyond a point twelve (12) inches inside the curb line. There is no limitation on the horizontal width of an awning.
 - 2) The lowest portion of any canopy shall not be less than eight (8) feet above the sidewalk or public right of way. No canopy may extend beyond a point twelve (12) inches inside the curb line without approval by the Sign Code Appeals Committee under such terms and conditions as it may require. No canopy shall exceed eight (8) feet in width.
 - 3) There shall be no advertising on any awning or canopy, except that the business name may be painted on the vertical portion of the street apron which is geometrically parallel to the building front.
 - e. Direction signs, wall or ground signs not exceeding one (1) square foot of sign face area may be used for a driveway entrance, exit, or for warning purposes.

- f. All residences in zones other than residential zones shall have the privileges and restrictions of residential zone regulations under this Bylaw.

5. Regulations for Residential Zones

- a. The following signs may be erected:
- b. One single or double-faced sign per dwelling unit which may be erected from the ground or suspended from a post, or attached to the building face, not to exceed two (2) square feet per sign face.
- c. One single or double-faced sign per dwelling unit advertising an allowed home occupation or profession, shall not exceed six (6) square feet per sign face.
- d. Ladder-type signs for property owners, group listings in remote residential areas except within one hundred (100) feet of a state highway.
- e. One wall or ground sign, single or double-faced, not exceeding eighteen (18) square feet per sign face area, on the premises of a church, library, school or other public building, giving only the name and nature of the occupancy and information as to the schedule of use or occupancy. In addition, wall or ground signs not exceeding one (1) square foot of sign face area may be used for a driveway entrance, exit, or for warning purposes.
- f. Sale or rent single-faced signs erected only on the property to be sold or rented, but not placed on trees or rocks and not exceeding six (6) square feet of sign face per face, and which shall be removed within forty-eight (48) hours of sale or termination of sale or rental contract.
- g. Builders, architects, developers and engineers shall be permitted one (1) temporary, single-faced group sign per multiple or single unit construction site which shall not exceed twenty-four (24) square feet of sign face area. These signs shall be removed within forty-eight (48) hours of issuance of a certificate of occupancy.
- h. Real estate developers concerned with long-range property development sale shall be restricted to one sign, single or double-faced, not to exceed twenty-four (24) square feet in sign face area; such sign may be located at each appropriate road junction in the project, but not nearer than one thousand (1,000) linear feet, and not in a direct line of sight, or visible from each sign as erected. A permit for such sign shall be obtained from the Sign Agent and a fifty dollar (\$50) bond for such sign shall be posted with the Town Clerk. Upon posting the said fifty dollar (\$50) bond, a one (1) year permit, renewable at the discretion of the Sign Agent, shall be issued.
- i. One (1) ground-type name sign per major entrance of a subdivision, not to exceed eighteen (18) square feet per sign face and not to exceed a height of ten (10) feet from natural grade.

6. Public Information Signs

Public information signs including service club, religious, public building, charitable or civic organizations or hospital signs, shall not exceed six (6) square feet per sign face area.

7. Prohibited Signs

No person shall post, erect, display or maintain within public view from a highway within the Town limits of Chatham any "Off Premises" billboard signs or other advertising device except as provided for in the rules and regulations for the control and restriction of billboards, signs, and other advertising devices promulgated by the Commonwealth of Massachusetts, or as otherwise or further limited herein. Signs of the following type, or types closely related to them, except as elsewhere permitted by this code, are specifically prohibited in all zones in the Town of Chatham.

- a. Roof signs or advertising signs placed above or supported on the top of a building or structure.
- b. Advertising signs tacked, posted, painted or otherwise attached to poles, posts, trees, sidewalks, curbs or rocks.
- c. Banners, streamers and advertising flags.
- d. No exposed neon or similar tube type of illumination, including open light bulbs, shall be permitted. Further, no flashing, blinking or rotating lights shall be permitted for either permanent or temporary signs.
- e. Internally lighted signs shall be prohibited in all zones.

8. Illuminated Signs

The light from any sign or advertising lights shall be so shaded, shielded or directed or shall be maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises nor the safe vision of operators of vehicles moving on public roads and highways. All lighted signs and advertising lights shall be so shaded, shielded or directed so that they shall not reflect or shine on or into residential structures to an extent that would adversely affect them.

9. Action Signs

No sign shall be permitted which moves by any means.

10. Existing Signs

- a. Existing signs are defined as those erected before the passage of this Bylaw or any amendments thereto, and are classified as one of three categories which are:
 - 1) Conforming signs, which comply with all provisions of this Bylaw.

- 2) Non-conforming signs, not meeting the requirements of this Bylaw, but not expressly prohibited by this Bylaw. Such signs shall be considered legal, and permitted until they are expressly prohibited by this Bylaw.
 - 3) Illegal signs, existing but prohibited by this Bylaw.
- b. Any non-conforming sign shall have twelve (12) months from renewal date subsequent to enactment of this Bylaw or any amendments thereto. The owner of a non-conforming sign may make a written request to the Sign Agent for one (1) extension, not to exceed 90 days, of the twelve-month transition period. Illegal signs shall be removed at the direction of the Sign
 - c. Existing off-premise signs for non-conforming businesses, while not specifically allowed by this Bylaw, may be allowed if approved by the Sign Code Appeals Committee. If State approval is required, necessary permits must be obtained. Non-conforming business or properties with signs which conform with the provisions of this code, other than by zoning classification, may be issued permits for said signs.

11. Off-Premise Directional Signs

- a. No more than three (3) square feet in area.
- b. Placed only by permission of the land owner.
- c. Only permitted for non-conforming businesses in remote residential areas.
- d. By permit of the Sign Agent or, if refused, to be referred to the proper authority for appeal.
- e. Shall contain no more than an arrow and the business name.

12. Signs on Vehicles

No sign shall be erected or attached to any vehicle except for signs applied directly to the surface of the vehicle. The primary use of such vehicle shall be in the operation of the business and not in advertising or identifying the business premises. The vehicle shall not be parked in a public right of way for the purposes of advertising.

13. Permits and Inspection:

- a. No sign shall be erected, altered or enlarged until an application on the appropriate form furnished by the Sign Agent has been filed, containing such information, including photographs, plans, and scale drawings, as the Sign Agent may require, and a permit for such erection, alteration or enlargement has been issued by him, and upon response of the Selectmen and/or the Architectural Review Board such a permit shall be issued only if the Sign Agent determines that the sign complies with or will comply with all applicable provisions of this Bylaw.
- b. A schedule of fees for permits may be determined from time to time by the Board of Selectmen.

- c. Unless otherwise specified by the Selectmen, a one-time fee of \$25.00 per single or double-faced sign shall be charged. There shall be a maximum of \$75.00 per initial permit issue per business, notwithstanding the number of permits requested or allowed.
- d. At the discretion of the Sign Agent, substantial changes of sign design, changes or ownership, type or of content or the like may require a new permit.
- e. Right of Entry. In the discharge of his duties, the Sign Agent shall have the authority to enter during normal business hours any building, structure, or premises in the Town to enforce the provisions of this Bylaw.

14. Accessory Signs

All accessory signs shall be incorporated within the body of permitted signs.

- a. Unless waived by the Sign Agent, all signs for which a permit is required shall be subject to the following inspections:
 - 1) Footing inspection of all free-standing signs
 - 2) Electrical inspection of all illuminated signs
 - 3) An inspection of braces, anchors, supports and connections of wall signs.
 - 4) An inspection to ensure that the sign has been constructed according to approved application and valid sign permit.
- b. There shall be no fees charged for permits for signs to be erected by a service club, charitable, civic or religious organization.

15. Non-Permit Signs

- a. Signs bearing the name of the occupant of a dwelling.
- b. Real estate signs advertising "For Sale" or "For Rent" not exceeding six (6) square feet.
- c. Signs prohibiting trespass, hunting and the like, signs warning of danger, such as "High Voltage" and necessary public utility signs.
- d. Window signs - See Subsection 4(A)(2).
- e. Street name signs, public or private, and signs erected by the Town, County or Commonwealth.
- f. Signs designating historical places or points of interest, erected by governmental authority or by a duly chartered historical association or the like.
- g. Signs indicating "Entrance", "Exit", "Parking" or the like erected on a premise for the direction of persons or vehicles.

- h. Quarter boards attached to buildings that are other than commercial or retail establishments.
- i. Signs not exceeding one (1) square foot bearing the words "For Sale" and the item price or phone number.

16. Special Permit Signs

- a. Tag, yard or garage sales, etc., will require a special permit from the Sign Agent. Only two (2) special sign permits per calendar year per residence may be allowed. A maximum of four (4) signs per sale, not to exceed four (4) square feet per sign, erected on their own post, will be allowed. A bond of \$25.00 must be posted before a permit is issued. Said bond will be returned if all signs are removed within forty-eight (48) hours of the sale.
- b. Temporary signs, banners and posters except posters intended for window display will require a special permit from the Sign Agent. Permits for these signs are not to be issued more than seven days prior to the scheduled event and are to be removed within forty-eight (48) hours after the event.

17. Maintenance of Signs

- a. In the opinion of the Sign Agent, any sign which is or shall become dangerous or unsafe in any manner whatsoever or any sign erected hereafter contrary to the provisions of this Bylaw shall be repaired, made safe, made attractive and in conformity with this Bylaw or shall be taken down and removed by the owner, lessor, agent or occupany of the building, property, or land upon which it is placed or to which it is attached.
- b. The Selectmen or their agent shall have the power to order the repair or removal of any sign which in their opinion is, or is likely to become dangerous or unsafe, is abandoned or maintained contrary to this Bylaw, after notice shall have been given as herein provided. The Selectmen or their agent shall serve written notice upon the owner, agent or person having control of said sign, directing him to repair or remove the same as the case may be within a time as stipulated by the Sign Agent; the maximum time allowed by the Sign Agent for removal shall not exceed fifteen (15) days after receipt of such notice. In case of failure of such owner or agent or other person having control as aforesaid, to comply with such notice, the Selectmen shall have the power, under due process of law, to enter upon or into the lands, house or property upon which said sign is erected and to remove or cause the same to be removed.

18. Protection of Subsequent Purchasers

Any vendor or lessor who sells or leases any real property which includes a nonconforming sign has a duty to disclose to his vendee or lessee the time remaining in the amortization or transition period applicable to the sign in question.

19. Appeals

A Sign Code Appeals Committee of five (5) regular members and two (2) alternate members who will serve in the absence of the regular members, shall be appointed by the Selectmen as required by Law.

A person aggrieved by the refusal of the Sign Agent to issue a permit for the erection of a sign or by any order of the Sign Agent under this Bylaw may appeal to the Sign Code Appeals Committee. The provisions of the Zoning Bylaws as to the time for taking such appeal and as to notice of any hearing thereon to be held, and the decision to be rendered, by the Zoning Board of Appeals, shall apply to appeals under this Bylaw.

20. Appeal Permits

- a. The Sign Code Appeals Committee in granting a permit which in any way varies specific requirements of this Bylaw, or in granting a permit as otherwise required by this Bylaw shall consider the following criteria before granting such permit:
 - 1) The specific site is an appropriate location for the proposed sign or signs.
 - 2) The proposed sign or signs will not be a nuisance or a hazard to vehicles or pedestrians.
 - 3) The proposed sign or signs will not adversely affect properties in the neighborhood.
 - 4) The special requirements for the permit are in accord with the general spirit and intent of the Bylaw.
- b. An appeal denied by the Sign Code Appeals Committee shall not be resubmitted or acted favorably upon within a period of two (2) years after the date of denial, unless the Sign Agent determines that specific and material changes in the conditions upon which the previous appeal was based, have occurred and been presented.

21. Exceptions

Signs erected by the Municipal, County or Federal Government, as may be deemed necessary for their respective functions, are exempt from the provisions of this Bylaw but are expected to conform to the intent of this Bylaw.

22. Violations and Penalties

Whoever violates any provisions of this Bylaw shall be punished by a fine not exceeding one hundred (\$100) dollars for each offense. Each day that such a violation continues to exist shall constitute a separate offense. The imposition of a penalty shall not excuse violations and shall not be held to prevent the enforced removal of prohibited conditions where they continue to exist as a violation of this Bylaw.

23. Administration and Enforcement

- a. Administration and enforcement of the provisions of this Bylaw shall be the authority of the Selectmen or their legally appointed representative.
- b. Every section of this Bylaw and every subdivision or separate part thereof shall be considered as a separate regulation to the extent that if any such section, subdivision or separate part thereof shall be declared ineffective, invalid or unconstitutional it shall not affect the remaining parts of this Bylaw.

24. Inspection Markings

- a. Permanent Signs - All permanent signs regulated by this Bylaw shall be marked with a permanent identification number at the direction of the Sign Agent.
- b. Temporary Signs - All temporary signs shall be marked by a sticker furnished by the Town Sign Agent.

25. Regulations for Crowell Road Neighborhood District, South Chatham Neighborhood District, and North Chatham Neighborhood District.

The following signs may be erected:

- a. One single or double-faced sign per dwelling unit which may be erected from the ground or suspended from a post, or attached to the building face, not to exceed two (2) square feet per sign face.
- b. One single or double-faced sign per property advertising an allowed business use which shall not exceed six (6) square feet per face.
- c. Properties containing multiple commercial uses may erect one single or double-faced sign per property advertising the allowed commercial uses which shall not exceed eight (8) square feet per sign face nor a height of six (6) feet from the natural grade. In addition, each allowed commercial use may erect one (1) wall sign which shall not exceed one (1) square foot.
- d. One wall or ground sign, single or double-faced, not exceeding eighteen (18) square feet per sign face area, on the premises of a church, library, school or other public information as to the schedule of use or occupancy. In addition, wall or ground signs not exceeding one (1) square foot of sign face area may be used for a driveway entrance, exit, or for warning purposes.
- e. Sale or Rent single-faced signs erected only on the property to be sold or rented, but not placed on trees or rocks and not exceeding six (6) square feet of sign face area, and which shall be removed within forty-eight (48) hours of sale or termination of sale or rental contract.
- f. Builders, architects, developers and engineers shall be permitted one (1) temporary, single-faced group sign per multiple or single unit construction site which shall not exceed six (6) square feet of sign face area. These signs shall be removed within forty-eight (48) hours of issuance of a certificate of occupancy.

- g. Real estate developers concerned with long-range property development sale shall be restricted to one sign, single or double-faced, not to exceed six (6) square feet in sign face area, such may be located at each appropriate road junction in the project, but not nearer than one thousand (1,000) linear feet, and not in a direct line of sight or visible from the Sign Agent and a fifty (\$50) bond and a one (1) year permit, renewable at the discretion of the Sign Agent, shall be issued.
- h. One (1) ground-type name sign per major entrance of a subdivision, not to exceed six (6) square feet per sign face and not to exceed a height of ten (10 feet from natural grade.

7. ADMINISTRATION

A. ENFORCEMENT

- 1 The Building Inspector, or if there is none, the Board of Selectmen shall be charged with the enforcement of this Bylaw and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure would be in violation of this Zoning Bylaw; and no permit or license shall be granted for a new use of a building, structure or land clearing which use would be in violation of this Zoning Bylaw.
- 2 Construction or operations under a building or Special Permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
- 3 A building permit shall lapse six (6) months from the date it is issued unless substantial construction has not begun and reasonably continued by such date, except for good cause.
- 4 A Special Permit shall lapse not later than two years from the date the Special Permit Granting Authority files its written decision with the Town Clerk, not including such time required to pursue or await the determination of an appeal under M.G.L. c.40A Section 17, unless substantial construction has not commenced sooner except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

B. BUILDING PERMIT PROCEDURES

- 1 Application for a building permit shall be accompanied by a plan as required in Section 7 of this Bylaw. The plan shall be accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all building or accessory buildings already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and accessory buildings are to be erected, the existing and intended use of each building or accessory building and such other information as may be necessary to demonstrate conformance with this Bylaw.
- 2 No building permit shall be issued unless, and until, the construction or alteration of a building, as proposed, shall comply in all respects with the provisions of this Bylaw, the Building Code and/or with a decision rendered by the Historic Business District Commission and/or the Zoning Board of Appeals, and other boards and commissions as applicable.

C. SPECIAL PERMIT PROCEDURES

1. Special Permit Granting Authority

The Planning Board shall act as the Special Permit Granting Authority (SPGA) for all special permits relative to use as specified in Sections 3, 5 and 6 of this bylaw; the Board of Appeals shall grant all special permits relative to Section 2D, Non-conforming uses, Structures and Lots.

a. Public Hearing

A Special Permit shall be issued within 90 days following a public hearing held within sixty-five (65) days after filing an application with the SPGA, a copy of which shall forthwith be filed with the Town Clerk by the applicant.

b. Criteria

A Special Permit may be granted when it has been found that the use involved will not be substantially detrimental to the established or future character of the neighborhood and the Town, and when it has been found that the use involved will be in harmony with the general purpose and intent of the Bylaw. The SPGA shall make written findings certifying compliance with any specific requirements governing individual uses and addressing at a minimum each of the following review criteria:

- 1) Consistency with the goals and policies of the Chatham Comprehensive Plan.
- 2) Adequacy of the site in terms of size for the proposed use.
- 3) Suitability of the site for the proposed use.
- 4) The degree to which the proposed use minimizes adverse impacts on:
 - (a) Traffic flow and vehicular, pedestrian and bicycle safety;
 - (b) Neighborhood visual character, including views and vistas;
 - (c) Environmental resources including but not limited to surface and groundwater, wetlands, wildlife habitat, vegetation, soils, or slopes.
- 5) Adequacy of method of sewage disposal, source of water and drainage.
- 6) Adequacy of utilities and other public services.
- 7) Noise and litter.
- 8) Compatibility of the proposed use with surrounding land uses.

2. Conditions

Special Permits may be granted with such reasonable conditions, safeguards or limitations on time or use as the Special Permit Granting Authority may deem necessary to serve the purposes of this Bylaw.

D. ZONING BOARD OF APPEALS

1. Establishment

There is hereby established a Zoning Board of Appeals of five (5) regular members and three (3) associate members to be appointed by the Board of Selectmen, with the term of each member to be three (3) years so arranged that the term of at least one (1) member shall expire each year. The Zoning Board of Appeals shall elect annually a Chairman from within its own regular members and a Clerk, and may, subject to appropriation, employ experts and clerical and other assistants. A member, either regular or associate, may be removed for cause by the Board of Selectmen and only after written charges have been made, and a public hearing has been held.

2. Powers

The Zoning Board of Appeals shall have the following powers:

- a. Appeals: To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L. c.40A, Section 8.
- b. Special Permits: To hear and decide applications for Special Permits upon which the Board is empowered to act under this Zoning Bylaw pursuant to M.G.L. c.40A, Section 6.
- c. Variances: Variances for purposes other than use may be granted by the Zoning Board of Appeals provided that, after a public hearing for which proper notice has been given as required by M.G.L. c.40A Section 10, said Board with respect to the particular land or structure or building, specifically finds that, owing to circumstances relating to the soil conditions, shape or topography of such land, structure or building, and especially affecting such land, structure or building, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such Bylaw. The permit granting authority shall have all rights as provided under M.G.L. c.40A Section 10, and all variances issued shall be subject to provisions of said statutory section.

3. Procedures

- a. The Zoning Board of Appeals shall establish procedures consistent with the provisions of this Bylaw and with applicable provisions of M.G.L. c.40A or other provisions of the General Laws, and shall file a copy with the Town Clerk.

- b. Special Permits and Variances shall be issued within 90 days following public hearings held within sixty-five (65) days after filing of an application or petition with the Zoning Board of Appeals or other SPGA and the Town Clerk.

4. Special Provisions: Residence Seashore Conservancy District

Applicants for variances and exceptions within the Seashore Conservancy District shall be promptly notified by the Zoning Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, property which is made the subject of a variance or exception that, in his opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of the Interior shall be given notice by the Zoning Board of Appeals of all applications or petitions made for variances and exceptions to the Bylaws for the Seashore Conservancy District and he shall be provided notice by the Building Inspector of all application and petition. Subsequently, to meet the requirements of the Act of Congress of August 7, 1961, the Secretary shall be given notice by the appropriate board or official of any variance, or exception, or building permit, granted or denied for the area within the Seashore Conservancy District.

E. USE VARIANCES PROHIBITED

Use variances are explicitly prohibited in the Town of Chatham.

F. PENALTY

Any person, firm or corporation violating any section or provision of this Bylaw shall be fined not more than one hundred (100) dollars for each offense. Each day that such offence continues shall constitute a separate offense.

G. NON-INTERFERENCE

This Bylaw shall not interfere with or annul any other Town Bylaw, rule, regulations or permit; provided that, unless specifically excepted, where this Bylaw is more stringent, it shall control.

H. SEVERABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision hereof.

I. AMENDMENT

This Bylaw may be amended from time to time in accordance with the provisions of M.G.L. c.40A, Section 5.

8. DEFINITIONS

In this Bylaw, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future. The word “shall” is mandatory and not directory; the word “land” includes the words “swamps” and “water.”

Term Used	Definition
Abandonment:	Cessation of a use for a period of two years or more, causing the loss of any right to restore a non-conforming use or activity on a given site.
Accessory Use:	An activity incidental to and located on the same premises as a principal use conducted by the same person or his agent. No use shall be considered "accessory" unless functionally dependent on and occupying less land area than the principal use to which it is related and occupying less than one quarter as much habitable floor area as that of the principal use.
Acre:	For the purposes of this Bylaw, the word “acre” shall mean 43,560 contiguous square feet of land area.
Adult Use (or Adult Entertainment):	<p>For purposes of this Bylaw, the term Adult Use shall include any and all of the following as these terms are defined in M.G.L. c.272, Section 31:</p> <p>Adult Bookstore -- An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement..</p> <p>Adult Motion-Picture Theater -- An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement.</p> <p>Adult Paraphernalia Store -- An establishment having as a substantial or significant portion of its stock-in-trade devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement.</p> <p>Adult Video Store -- An establishment having as a substantial or significant portion of its stock-in-trade videos, movies or other film material which is distinguished or characterized by their emphasis depicting, describing or relating to sexual</p>

Term Used	Definition
	conduct or sexual excitement.
Affordable Housing (or Low- and Moderate-Income Housing):	Housing occupied by low- or moderate-income households with incomes at or below 80% of area median income, as determined and published from time to time by the U.S. Department of Housing and Urban Development. A housing unit will generally be considered affordable to low- or moderate-income households if its sale or rental price is equal to or less than 30% of gross monthly income for a low- or moderate-income household whose household size is suitable for the proposed dwelling unit. To comply with the Inclusionary Housing requirements of this Bylaw, low- and moderate-income housing must conform to the regulations of the Local Initiative Program, 760 CMR 45.00, and be approved for inclusion in the Subsidized Housing Inventory under M.G.L. c.40B, Sections 20-23. In addition, a low- or moderate-income housing unit must be protected by an affordable housing restriction under M.G.L. c.184, Sections 26 or 31-32.
Agriculture:	<p>On more than five acres of land, agriculture shall be as defined in M.G.L. c.128, Section 1A: "...farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.:</p> <p>On five or fewer acres of land, agriculture shall not include animal husbandry.</p>
Alteration:	A change in or addition to a building that modifies the location, plan, manner of construction or materials used, or in any way varies the character of its use.
Apartment:	A legal dwelling unit for rent.
Assisted Living Facility:	One or more dwellings structurally configured to serve the elderly or persons with disabilities, having no units containing more than two bedrooms, and for which there is contract

Term Used	Definition
	assurance of support services, such as meals, housekeeping, social services, health services or transportation.
Auto Filling and Service Station:	A business establishment engaged in retail sale of fuels and lubricants, which may include washing or servicing of motor vehicles as an accessory use, but not the sale of new or used cars or auto body repair.
Auto Repair or Auto Body Shop:	A shop or garage for the repair of motor vehicles, other than a private garage or an auto filling station.
Bar or Tavern:	A facility licensed to serve alcoholic beverages.
Barn:	A building for the storage of agricultural equipment and or products.
Bank, Coastal	The seaward face or side of any elevated land form, other than a coastal dune, which lies at the land ward edge of a coastal beach, land subject to tidal action or flooding , or other coastal wetland.
Bank, Coastal Top of	The upper boundary of a bank , or the first major break in the face of the bank , any minor discontinuity not with standing , above the relevant one hundred year flood plain elevation , or the point above the one hundred year (100) flood plain elevation , or the point above the one hundred (100) year flood plain elevation where the incline of the land form becomes less than 4 to 1.
Bank, Inland	A land form normally abutting and confining a water body; occurring between a water body and a vegetated bordering wetland, or adjacent flood plain, in the absence of these, occurring between a water body and the upland.
Bank , Inland Top of	The upper boundary of a bank or the first major break in the face of the bank , any minor discontinuity noth with standing, higher than two feet (2) above the natural high water mark of a fresh water body or point above this elevation where the incline of the land form becomes less than 4 to 1.
Basement/Cellar:	A portion of a building partly underground but having more than half of its clear height below the average finished grade of the adjoining ground.
Bioretention Cell:	A shallow depression filled with sandy soil, topped with a thick layer of mulch, and planted with dense vegetation; used as a low-impact development (LID) technique. Stormwater runoff flows into the cell and slowly percolates through the soil, which

Term Used	Definition
	acts as a filter, and into the groundwater. Some of the water is also taken up by the plants. Bioretention areas are typically designed to allow ponded water 6-8 inches deep, with an overflow outlet to prevent flooding during heavy storms.
Boat Building/Repairs:	A use of land and /or buildings for the construction of boats including display for the purposes of sales.
Boat House:	A facility for the storage of boats or associated equipment.
Boat Storage:	A use of land and/or buildings for the storage of boats and related equipment, with or without repair or maintenance capacity.
Buffer Area:	An area of land in either a natural state or planted with vegetation.
Building:	A structure having a roof or cover and forming a shelter for persons, animals, or property, supported by walls or cantilevered and intended for the shelter for persons, animals or chattel.
Building Coverage	The area of land covered by all principal and accessory structures expressed as a per cent of total building coverage to total lot area.
Buildable Upland:	Excludes wetlands and floodplains as defined in M.G.L. c.131, Section 40.
Building Inspector:	The Building Inspector or Building Inspector of the Town of Chatham. In this Bylaw, the terms Building Inspector and Building Inspector are used synonymously.
Building Height:	Measured at the vertical distance from the average elevation of the finished lot grade at the front of the building to the highest point of the top story in the case of a flat roof and to the mean height between the plate and the ridge in the case of a pitched roof.
Bus Stop, Sheltered:	A structure located at a legally permitted bus stop designed for the assembly of bus passengers.
Bus Terminal:	A structure that serves bus passengers upon departure and arrival, including waiting areas, drop-off/pick-up zones, and the storage and repair of buses as an accessory use.
Child Care Facility (or Day	A licensed public or private non-residential program that provides for the care of school-age children when not attending

Term Used	Definition
Care Center):	school or pre-school children by someone other than members of the child's own family, including full-day day care centers, part-day preschool programs and nursery schools, private kindergartens and before and after school programs. Child Care Facility does not include a Family Day Care Home.
Cluster Housing	A grouping of single-family homes designed to allow for greater flexibility and creativity in the layout of lots, and for the purposes of this Bylaw consistent with the regulations of Section 6(E), Open Space Residential Development.
Commercial Entertainment	A for profit business providing various entertainment activities to the general public but not including adult entertainment.
Commercial Recreation:	<p>A for-profit business establishment engaged in providing recreation facilities to the general public for a fee.</p> <p>Indoor Commercial Recreation is limited to athletic clubs, tennis clubs, squash clubs, health and fitness clubs, swim clubs, and similar recreation and fitness activities.</p>
Commercial Storage:	A building used for private storage of household, business or personal property for a fee.
Condominium:	A method of ownership whereby an individual may own separately one or more single dwelling units in a multifamily building or project. Said individual and other owners of such units may have an undivided interest in the common areas and facilities that serve the unit or project, such as land, roofs, floors, main walls, stairways, lobbies, halls, parking areas, driveways, recreation areas, open space areas and natural landscaped and/or conservation areas. Said individual may take title to his individual dwelling unit or units, vote on a proportional basis in all respects of his undivided interest in common areas, be taxed separately by the Town for the individual dwelling unit or units and may have a mortgage on the individual dwelling unit.
Congregate Residence	Any building or portion thereof for occupancy by other than a family or by more than one family, containing facilities for living, sleeping and sanitation, and shared or common facilities for eating and cooking. A congregate residence may be a shelter, a convent, monastery or dormitory, but does not include jails, hospitals, nursing homes, hotels or rooming houses.
Continuing Care Retirement Community:	A managed development that provides housing, services and nursing care to persons over 55 years of age; and which includes independent living units, assisted living units, nursing

Term Used	Definition
	home accommodations, and accessory medical, support services, food services, and recreational uses; and for which there is a legal agreement that assures life care to residents and support services appropriate to each type of housing.
Contractor's Yard:	Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of sub-assemblies, and parking of wheeled equipment.
Cooking Facilities (or Kitchen Facilities):	Any facilities (including without limitation a hot plate or portable oven, but not including an outdoor grill) which permits the occupant of a dwelling to prepare or serve hot meals on a regular basis.
Coverage, Building:	The maximum percentage of a lot in any district which is covered by structures which constitute principal and accessory uses thereof. For the purposes of this section, uncovered swimming pools, tennis courts and decks of one hundred square feet or less shall be exempt from the definition of building coverage. Garages, barns, storage sheds or additions and alterations to the principal residential building occupying the lot shall not be exempt from the definition of building coverage.
Coverage, Impervious (or Lot Coverage):	The percentage of a lot in any district which is covered by impervious surfaces, including the principal building and accessory structures on the lot. For the purposes of this section, such impervious surfaces shall include, and not be limited to, paved driveways and parking areas, sidewalks constructed of impervious materials, principal and accessory structures, and other on-site amenities that render any portion of a lot impervious.
Day care Facility	A facility, appropriately licensed by local and state authorities, providing day care services to more than 10 children
Density	Quantity or number per unit or area.
Dwelling in a Mixed-Use Building:	One or more dwelling units located above the ground floor of a building occupied by commercial uses.
Dwelling Unit:	A portion of a building occupied or suitable for occupancy as a residence and arranged for the use of one or more individuals living as a single housekeeping unit with its own cooking, living, sanitary and sleeping facilities, but not including trailers or mobile homes, however mounted, or commercial accommodations offered for periodic occupancy.

Term Used	Definition
Dwelling:	A building or part thereof designed, erected and used for continuous and permanent habitation for one or more families or individuals.
Exempt Uses:	Uses exempt from zoning under M.G.L. c.40A, Section 3; see also, Section 2(B) of this Bylaw.
Family Day Care	A family day care home as defined in Sec. 9 of M.G.L. c.28A, for not more than ten children.
Float System	
Floor Area:	The sum of the horizontal area of the several floors of a dwelling unit measured from the outside, excluding cellar floor areas, basement rooms, garages, porches and open attics or unfinished rooms, and for which a certificate of occupancy has been issued as habitable living quarters. In split-level houses, the first two levels may be counted as one floor, provided that the difference in floor levels is less than five feet.
Food Service Establishment:	<p>Restaurant: A food service establishment where food is prepared, served and consumed on the premises, including seating accommodations for all patrons to be served at any one time. It may include a bar or lounge area that is accessory to the primary restaurant use. "Restaurant" does not include an establishment that operates exclusively or principally as a caterer, a food processing establishment, a retail food store, or a take-out food service establishment, nor does it include drive-through service.</p> <p>Take-Out Food Service: A food service establishment where food is prepared and sold at retail but may or may not be consumed on the premises, such as a deli or sandwich shop, but does not include drive-through service or windows.</p>
Frontage (Lot Frontage):	That part of a lot or lot line abutting on a street or way to which the front façade of all buildings shall be oriented; the boundary of a lot coinciding with a street line if there are both rights of access and potential vehicular access across that boundary to a potential building site and the street has been determined by the Planning Board to provide adequate access to the premises under the provisions of the Subdivision Control Law and Chatham Subdivision Regulations, measured continuously along one street line between side lot lines or in the case of corner lots, between one side lot line and the midpoint of the corner. For lots on a cul-de-sac, or partially on a cul-de-sac, or

Term Used	Definition
	on curved roads that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve. The driveway providing the principal access to a lot shall be across the lot frontage as herein defined, subject to the provision, however, that if a lot has minimum lot frontage on more than one street, the driveway may enter the lot from any of such streets, subject to the approval of the Building Inspector. The approval of the Building Inspector shall be given only after issues concerning public safety, designed scenic roads and good planning principles have been considered.
Grade Plane:	The existing average grade of a building site prior to any alteration or filling. To establish the average grade for a proposed building requires measurements and calculations as follows: for each of the four principal sides of the building, first take the grade elevation measured laterally ten (10) feet outboard of the extreme corners of the building, then average those two points, along with any high or low intermediate points between the corner points, to arrive at an average grade for that side. Intermediate high and low points are the maximum and minimum elevations, if any, which are higher than the highest corner point or lower than the lowest corner point. To give proportional weight to the length of each of the principal sides of the building, multiply each of the four calculated average grades by the ratio of that side's overall corner-to-corner distance to the sum of all four corner-to-corner distances. Add these four products together to arrive at the average grade of the building.
Half Story	A story under a sloping roof of at least 3 to 12, having less than 50% of its clear interior height of seven feet three inches improved or intended to be improved for residential occupancy.
Homeowners Association:	A corporation or trust owned or to be owned by the owners of lots or residential units within a tract approved for Residential Cluster Development or an Open Space-Residential Development, which holds the title to open land and which is responsible for the costs and maintenance of said open land and any other facilities to be held in common.
Hospital:	An acute-care medical facility providing in-patient and ambulatory care services, licensed by the Massachusetts Department of Health under M.G.L. c.111, Section 51.
Hotel, Motel or Inn:	A building or part thereof or a group of buildings on a single lot providing public accommodations, where space is used for sleeping and appurtenant services by more than four (4)

Term Used	Definition
	persons as paying guests, regular or transient.
Kennel:	Premises used for the harboring and/or care of more than three dogs or other domestic non-farm animals three months old or over. Use shall be so classified regardless of the purpose for which the animals are maintained or whether fees are charged.
Lot, Area:	The total area within the property lines of a lot. When used for building purposes, lot area means the contiguous area excluding water bodies, land below mean high water or within the layout of ways and surface drainage easements. The panhandle portion of any lot shall not be included in lot area.
Lot, Corner:	A lot located at the intersection of two or more streets having an angle of intersection of not more than 135 degrees or where the intersection is bounded by a curve having a radius of less than 100 feet.
Lot:	A single area of land in one ownership throughout defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan.
Lumber And Construction Supply Sales:	A business establishment engaged in the sale of lumber and related construction products inside a building, including the sale and storage of products outside the building as an accessory use.
Marina (or Boatyard):	A facility, located on or partially on water, providing for the storage, servicing, fueling, berthing and securing of ten or boats and marine supplies.
Maritime Use, Accessory:	Storage of maritime-related equipment in accessory buildings or in the rear yard and within the rear lot line. An accessory maritime use may include the storage of up to three boats on an owner-occupied residential property. Boat storage shall occur in the rear yard and within the rear lot line or in the side yard at least 50 feet from the front yard line.
Maritime Use, Commercial:	Commercial activities such as commercial fishing operations and maintenance, processing of seafoods, purification of seafood, storage of seafood, fishing or maritime tour activities, and similar maritime related commercial activities.
Medical Clinic:	An institution or place providing medical, surgical, dental, restorative or mental hygiene services to persons not residing therein, licensed as a clinic by the Massachusetts Department of Public Health under M.G.L. c. 111, Section 51.

Term Used	Definition
Mixed Use	A building with both commercial and residential uses; for purposes of this Bylaw, the residential uses shall be located on floors above the ground floor.
Mobile Home:	Any vehicle or object on wheels and having no motive power of its own, but which is drawn by or used in connection with, a motor vehicle, and which is so designed, and constructed or reconstructed or added to by means of such accessories as to permit the use and occupancy thereof for human habitation whether resting on wheels, jacks or other foundation, and shall include the type of vehicle commonly known as mobile home.
Multi-Family Development	Multi-family housing as defined in this bylaw and further three or more single family houses on one lot.
Multi-Family Housing (or Multi-Family Dwelling):	A residential building with three (3) or more dwelling units, regardless of form of tenure.
Municipal Use	Premises for any municipal or educational use operated by the Town of Chatham except as elsewhere more specifically defined.
Museum:	Land and or buildings operated by a public or non-profit private entity for the display of artistic, historic, natural, anthropological or similar artifacts and materials.
Non-Conforming Use:	A use of a building or land that does not conform to all the land use regulations of this Bylaw for the district in which it is located, which use was in existence and lawful at the time said land use regulations became effective.
Nursing Home:	Premises for the care of three or more persons, licensed by the Massachusetts Department of Public Health under M.G.L. c.111, Section 71.
Overlay District:	A zoning technique whereby additional zoning regulations are placed over an underlying zoning district or parts of an underlying zoning district, to restrict or create development options for environmental protection, public health and safety, or economic development, as may be appropriate.
Personal Service Establishments	Business establishments providing health, fitness, and beauty services to the general public.
Pier:	A structure built out over the water and used as a boat landing place and / or a pedestrian pavilion or walkway.

Term Used	Definition
Performing Arts Center:	A public or private place of assembly for the presentation of live performances.
Philanthropic Use:	An endowed or charitably supported non-profit religious or non-sectarian activity maintained for a public or semi-public use.
Principal Use:	The main use of land or structures on a lot, as determined by the Building Inspector/Zoning Enforcement Officer.
Private Non-Profit Club or Organization:	Premises or buildings of a non-profit organization exclusively serving members and their guests for social, recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the use of the club membership and purposes of such club.
Professional or Business Offices	Facilities used to conduct and/or manage business activities including professional services such as lawyers, architects, engineers. And various consulting services.
Public Utility:	A use owned by a municipality, the Commonwealth of Massachusetts, or a utility company subject to regulation by the Commonwealth of Massachusetts, that provides essential services to the community.
Residential Lot:	A lot of land in a residential zoning district used for or potentially used for residential purposes and other allowed uses.
Restaurant:	See Food Service Establishment: Restaurant.
Retail Sales and Service	An establishment for the sale of a goods and services at retail to the general public.
Retail Greenhouse:	A retail facility for the sale of horticultural products and related materials, which may have a greenhouse as an accessory building for the propagation and storage of horticultural products to be sold at retail on the premises.
Retaining Wall	A wall designed to resist the lateral displacement of soil or other material . Retaining walls whose exposed faces are oriented toward abutting properties (facing outward) and are greater than seven (7) feet in total height as measured from the bottom of the footing to the highest point of the wall or which have an exposed face exceeding three (30 vertical feet at any point , must meet the setback requirements of 4C and associated footnotes of this bylaw. Walls in series or terraced walls whose exposed faces are oriented toward abutting properties do not

Term Used	Definition
	qualify for the setback exemption.
Roadside Farm Stand:	Premises for the sale of agricultural products.
Rooming or Boarding House:	A dwelling in which the owner-occupant provides not more than three (3) rooms for occupancy by paying guests who are not provided with separate cooking facilities and who use the cooking facility ordinarily used by the resident family, except that by where allowed under the use regulations of a zoning district, the Zoning Board of Appeals may grant a Special Permit for up to eight (8) rooms for occupancy by paying guests.
Seasonal Use.	The use of a lot or structure for 180 days per year or less on the average.
Senior Housing:	An attached or detached dwelling that is restricted for occupancy by persons over 55 years of age.
Setback Line	The required minimum distance from any property line that establishes the area within which the buildings and structures must be located on a lot.
Setback, Street	The required distance from the street or way upon which a lot has right of access.
Single-Family Home:	A detached dwelling designed or intended for occupancy or occupied by one family.
Sign:	A sign shall include any lettering, word, numeral, pictorial representation, emblem, trademaker, device, flag or other figure of similar character located outdoors and being a structure of any part thereof, or attached to, painted on, or in any other manner represented on a building or other structure, and used to announce, direct, attract, advertise or promote, including signs located inside a window only when illuminated or moving and shall not include the display of merchandise visible through such window. Marquees, canopies, awnings, clocks, thermometers and calendars shall be subject to the provisions of this Bylaw only when used to display or support signs as defined above.
Special Permit:	A right or permit granted by the Zoning Board of Appeals or the Planning Board pursuant to the authority of M.G.L. c. 40A, Section 9, and this Bylaw, for a use or purpose specified as one that is allowed by Special Permit, following review and decision by the applicable Special Permit Granting Authority.

Term Used	Definition
Story:	The portion of a building between the upper surface of any floor and the upper surface of the floor next above, having more than one-half of its height above the average elevation of the finished grade adjoining the building. Any part of a building between the topmost floor and the roof shall be deemed a half-story.
Street (or Way):	A public way or a private way shown on a plan approved under the provision of the Subdivision Control Law or in existence when the provisions of said Subdivision Control Law became effective in the Town of Chatham, having in the opinion of the Planning Board suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.
Subsidized Housing Inventory:	A listing of low- and moderate-income housing, as defined in M.G.L. c.40B, Section 20, used by the Massachusetts Department of Housing and Community Development (DHCD) to determine whether low or moderate income housing exists in excess of ten per cent of the housing units reported in the latest federal decennial census.
Two-Family Dwelling:	A dwelling designed or intended for occupancy by two families, each with separate living quarters, kitchen and sanitary facilities.
Trunk Flare:	That portion of a tree trunk that is more horizontal than vertical to the ground, on angle less than 45 degrees.
Use Restriction:	A qualification placed upon any or all parts of a site which shall define the uses permitted on the land.
Variance:	Relief from strict enforcement of one or more zoning bylaws granted by the Zoning Board of Appeals pursuant to authority under M.G.L. c. 40A, Sections 10 and 14.
Veterinary Clinic:	A licensed establishment providing primarily out-patient medical treatment for animals, including operating facilities, recovery and laboratory facilities incidental thereto.
Wetland:	Area characterized by vegetation as described in M.G.L. c. 131, Section 40, or as otherwise defined in the Town of Chatham Wetlands Bylaw.

Term Used	Definition
Wholesale Trade Establishment:	A business for the sale of goods in large quantity to retailers or jobbers rather than the general public.
Yard, Front:	A yard extending between side lot lines across the front of a lot on each street it adjoins, measured perpendicular to a line connecting the foremost points of the side lot lines.
Yard, Rear:	A yard abutting a rear property line, that is, typically a line or set of lines approximately parallel to the frontage street, and separating lots whose frontage is established on different streets. Yards on irregularly shaped lots where "side" versus "rear" is indeterminate shall be construed as rear yards.
Yard, Side:	A yard abutting a side property line, typically a line or set of lines which intersect a street line, separating lots whose frontage is established on the same street, extending between side and rear yards. Corner lots commonly have two side yards and no rear yard.
Yard:	<p>An area open to the sky and free of any storage of materials or manufactured products, located between a street or other property line and any structure or element thereof other than:</p> <ol style="list-style-type: none">1. A fence, wall, other customary yard accessory, or steps or other projections allowed to encroach on building lines by the State Building Code, or2. In side and rear yards only, a tool shed or similar accessory structure having not more than eighty (80) square feet ground coverage.